



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

COMMON COUNCIL MEETING AGENDA

OCTOBER 17, 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: 10/3/17

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. **Official Map Amend:** Consider a proposal by Mike Kaerek, The Orchard of Mukwonago, LLC, and Mark and Kim Verhalen to amend the Official Map for a portion of the Southeast ¼ of Section 21 (mapped, unimproved right-of-way affecting the properties at 9349 S. Nicholson Rd., 1200 E. Ryan Rd., 9211R S. Nicholson Rd., and 9025 S. Nicholson Rd. (3rd District).
5. **Ordinance:** Consider Ordinance No. 2868, amending Section 6.01 of the Municipal Code, an amendment to the Official Map for a portion of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21 (mapped, unimproved right-of-way affecting the properties at 9349 S. Nicholson Rd., 1200 E. Ryan Rd., 9211R S. Nicholson Rd., and 9025 S. Nicholson Rd.) (3rd District).
6. **Rezone:** Consider a request by John Thomsen, Somerstone, LLC, to rezone the properties at 7725 and 7869 S. 13th St., from Rs-3, Single Family Residential and B-3, Office and Professional to B-4, Highway Business (2nd District).
7. **Ordinance:** Consider Ordinance No. 2869, rezoning the properties at 7725 and 7869 S. 13th St. from Rs-3, Single Family Residential and B-3, Office and Professional to B-4, Highway Business (2nd District).
8. **Conditional Use:** Consider a request by Nick and Ashley Timber, City 13, for an amendment to the existing Conditional Use Permit to allow an indoor commercial recreation facility (escape room) in the existing multi-tenant building on the property at 6925 S. 6th St. (1st District).

9. **Ordinance:** Consider Ordinance No. 2871, amending the Conditions and Restrictions in Ordinance No. 2777, to allow an indoor commercial recreation facility at 6925 S. 6th St. (1st District).
10. **Conditional Use:** Consider a request by the Oak Creek Water and Sewer Utility for a Conditional Use Permit for water treatment facility water storage and high service distribution pump facilities on the properties located at 9175, 9235 and 9325 S. 5th Ave., and 3953 and 3975 E. American Ave. (4th District).
11. **Ordinance:** Consider Ordinance No. 2870, approving a Conditional Use Permit for water treatment facility water storage and high service distribution pump facilities on the properties at 9175, 9235, and 9325 S. 5th Ave., and 3953 and 3975 E. American Ave. (4th District).

New Business

COMMUNITY DEVELOPMENT

12. **Motion:** Consider a motion to authorize staff to take preliminary steps to create a tax increment financing district for the properties at 610 W. Rawson Ave. as well as 7001 and 7045 S. 6th St. (1st District).
13. **Motion:** Consider a motion to authorize staff to take preliminary steps to create a tax increment financing district for the properties at 330, 400, 410 and 500 W. Drexel Ave. (1st District).
14. **Motion:** Consider a motion to authorize staff to take preliminary steps to create a tax increment financing district for the properties at 741 and 1001 W. Ryan Rd. as well as 9600, 9700, and 9900 S. 13th St. (5th District).
15. **Ordinance:** Consider Ordinance No. 2872, adopting an amendment to the Comprehensive Plan for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, 1900 and 1920 W. Drexel Ave. (2nd District).
16. **Resolution:** Consider Resolution No. 11867-101717, a Resolution Approving a Fourth Amendment to Tax Incremental District No. 11 Finance Development Agreement (Drexel Square Hotel Group, Inc.) (2nd District).
17. **Resolution:** Consider Resolution No. 11864-101717, terminating the Development Agreement between Goodwill Industries of Southeastern Wisconsin, Inc., and the City of Oak Creek for the Goodwill project at 140 E. Rawson Ave. (Project No. 09050) (Tax Key No. 733-9991-001) (1st District).
18. **Resolution:** Consider Resolution No. 11865-101717, releasing Goodwill Industries of Southeastern Wisconsin, Inc., from the Storm Water Management Practices Maintenance Agreement for the Goodwill project that was proposed at 140 E. Rawson Ave. (Tax Key No. 733-9991-001) (1st District).
19. **Resolution:** Consider Resolution No. 11869-101717, approving a release from a Service and Assessment Agreement with Goodwill Industries of Southeast Wisconsin (2nd District).

FIRE

20. **Motion:** Consider a motion to decline the Fire Department Staffing for Adequate Fire and Emergency Response (SAFER) Act Grant for three firefighters (by Committee of the Whole).

ENGINEERING

21. **Resolution:** Consider Resolution No. 11871-101717, approving a Water Main Easement by and between Walden OC, LLC and the City of Oak Creek (Tax Key Nos. 762-9992-003, 762-9991-003) (2nd District).
22. **Resolution:** Consider Resolution No. 11872-101717, approving a Temporary Construction Easement by and between Walden OC, LLC and the City of Oak Creek (Tax Key Nos. 762-9992-003, 762-9991-003) (2nd District).
23. **Motion:** Consider a motion to award the IKEA Way Phase 3 Water Improvements unit price contract to the lowest responsive, responsible bidder, Super Excavators, Inc. at the estimated cost of \$674,189.00 (Project No. 15023) (2nd District).
24. **Resolution:** Consider Resolution No. 11866-101717, approving a Storm Water Management Practices Maintenance Agreement with Villa Healthcare for The Villa at Oak Creek development located at 2700 W. Honadel Blvd. (Tax Key No. 831-9035) (2nd District).
25. **Motion:** Consider a motion to enter into a Local/County Agreement with Milwaukee County for cost sharing of the County's 13th St. reconstruction project (1st and 2nd Districts).
26. **Motion:** Consider a motion to enter into a Local/County Agreement with Milwaukee County for cost sharing of the County's intersection improvement projects at 6th St. and Rawson Ave. and 10th St. and Rawson Ave. (1st Districts).
27. **Resolution:** Consider Resolution No. 11861-101717, accepting the workmanship and authorizing final payment to D.F. Tomasini Contractors, Inc. This project involved the installation of street improvements in S. 20th St. (Project No. 15023) (2nd District).
28. **Resolution:** Consider Resolution No. 11862-101717, accepting the workmanship and authorizing final payment to Magill Construction Company, Inc. This project involved the installation of communication tower support structure improvements at Fire Station No. 1 (Project No. 40154000670) (3rd District).
29. **Resolution:** Consider Resolution No. 11868-101717, a Resolution Approving a License and Maintenance Agreement with the Oak Creek-Franklin Joint School District (by Committee of the Whole).

VENDOR SUMMARY

30. **Motion:** Consider a motion to approve the Vendor Summary Report in the amount of \$999,483.18 (by Committee of the Whole).

LICENSE COMMITTEE

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

31. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
- Melissa R. Harvancik, W156 N9940 Pilgrim Rd., Germantown (Bel Air Cantina)
 - David A. Kidd, 2163 W. Maine Ave., Glendale (Bel Air Cantina)
 - Adam L. Beyerl, 3443A S. 9th Pl., Milwaukee (Bel Air Cantina)
 - Alonso Lopez Figueroa, 3822 S. 20th Pl., Milwaukee (Bel Air Cantina)
 - Katelyn B. Hyde, 7971 S. 6th St., Oak Creek (Bel Air Cantina)
 - Ever Rodriguez, 9945 S. Jennifer Ln., Oak Creek (Kwik Trip)
 - Christian W. Liuske, 8840 Greenview Ln., Greendale (Kwik Trip)
 - Jeremy R. Doering, 1027 E. Marquette Ave., Oak Creek (Kwik Trip)
 - Jeffrey R. Winkowski, 2895 S. Kinnickinnic Ave., Milwaukee (Pizza Man)
32. **Motion:** Consider a *motion* to grant a Temporary Class B Beer license to Robert Kacalo, Agent, St. Stephens Catholic Church, 1441 W. Oakwood Rd., for a Harvest Feast to be held on November 5, 2017.
33. **Motion:** Consider a *motion* to grant a Temporary Class B Beer license to Robert Kacalo, Agent, St. Stephens Catholic Church, 1441 W. Oakwood Rd., for a Fish Fry to be held on November 24, 2017.

MISCELLANEOUS

34. **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 consider cancelling the Exchange Agreement between the City of Oak Creek and Fifth Property, LLC.
 - b. Section 19.85 (1)(g) to consider the Notice of Claim filed by Sergio and Ariel Poventud regarding a vehicle accident on October 1, 2017 at the intersection of Howell and Rawson Ave.
35. **Motion:** Consider a *motion* to reconvene into Open Session.
36. **Motion:** Consider a *motion* to take action, if required.
37. **Resolution:** Consider *Resolution* No. 11870-101717, a Resolution Cancelling the Exchange Agreement between the City of Oak Creek and Fifth Property, LLC (by Committee of the Whole).

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 proposal by Mike Kaerek, The Orchard of Mukwonago, LLC, and Mark & Kim Verhalen to amend the Official Map for a portion of the Southeast 1/4 of Section 21 (mapped, unimproved right-of-way affecting the properties at 9349 S. Nicholson Rd., 1200 E. Ryan Rd., 9211R S. Nicholson Rd., and 9025 S. Nicholson Rd.).

Hearing Date: October 17, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Proposed Legal Description:

Being part of Parcel 2 of Certified Survey Map No. 6912, recorded in the Register of Deeds office for Milwaukee County on January 5, 2001 as Document No. 8007497, and additional lands, all being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, bounded and described as follows:

Beginning at the southeast corner of the Southeast 1/4 of said Section 21; thence South 89°27'03" West along the south line of said Southeast 1/4, 665.28 feet; thence North 00°31'41" East 30.01 feet; thence North 89°27'03" East 625.30 feet; thence North 00°35'09" East 120.79 feet; thence South 89°24'51" East 40.00 feet to the east line of said Southeast 1/4; thence South 00°35'09" West along said east line 150.00 feet to the place of beginning;

ALSO, commencing at the southeast corner of the Southeast 1/4 of said Section 21; thence North 00°35'09" East along the east line of said Southeast 1/4, 770.00 feet to the place of beginning of the land hereinafter to be described; thence North 89°24'51" West 40.00 feet; thence North 00°35'09" East 155.18 feet; thence North 89°24'51" West 105.00 feet; thence westerly 53.71 feet along the arc of curve, radius of 300.00 feet, center lies to the south, chord bears South 85°27'24" West 53.64 feet; thence South 80°19'39" West 112.95 feet; thence westerly 59.08 feet along the arc of curve, radius of 330.00 feet, center lies to the north, chord bears South 85°27'24" West 59.00 feet; thence North 89°24'51" West 87.67 feet; thence westerly 51.94 feet along the arc of curve, radius of 230.00 feet, center lies to the north, chord bears North 82°56'43" West 51.83 feet; thence North 76°28'34" West 47.93 feet; thence South 13°31'26" West 94.72 feet; thence southerly 49.68 feet along the arc of curve, radius of 220.00 feet, center lies to the east, chord bears South 07°03'17" West 49.57 feet; thence South 00°35'09" West 205.00 feet; thence South 89°24'51" East 125.00 feet; thence South 00°35'09" West 60.00 feet; thence North 89°24'51" West 255.00 feet; thence westerly 204.05 feet along the arc of curve, radius of 460.00 feet, center lies to the north, chord bears North 76°42'24" West 202.38 feet; thence westerly 16.76 feet along the arc of curve, radius of 32.00 feet, center lies to the south, chord bears North 78°59'56" West 16.56 feet; thence South 86°00'04" West 52.67 feet; thence northeasterly 293.22 feet along the arc of curve, radius of 70.00 feet, center lies to the north, chord bears North 26°00'04" East 121.24 feet; thence South 33°59'56" East

52.67 feet; thence southeasterly 16.76 feet along the arc of curve, radius of 32.00 feet, center lies to the northeast, chord bears South 48°59'56" East 16.56 feet; thence easterly 177.43 feet along the arc of curve, radius of 400.00 feet, center lies to the north, chord bears South 76°42'24" East 175.98 feet; thence South 89°24'51" East 70.00 feet; thence North 00°35'09" East 205.00 feet; thence northerly 63.23 feet along the arc of curve, radius of 280.00 feet, center lies to the east, chord bears North 07°03'17" East 63.09 feet; thence North 13°31'26" East 355.07 feet; thence northerly 83.55 feet along the arc of curve, radius of 370.00 feet, center lies to the west, chord bears North 07°03'17" East 83.37 feet; thence North 00°35'09" East 143.79 feet; thence northerly 165.09 feet along the arc of curve, radius of 260.00 feet, center lies to the west, chord bears North 17°36'15" West 162.33 feet; thence North 35°47'38" West 102.88 feet; thence northerly 141.35 feet along the arc of curve, radius of 230.00 feet, center lies to the east, chord bears North 18°11'17" West 139.13 feet; thence North 00°34'57" West 95.93 feet; thence South 89°25'03" West 239.91 feet; thence northwesterly 185.81 feet along the arc of curve, radius of 130.00 feet, center lies to the northeast, chord bears North 49°38'06" West 170.40 feet; thence North 08°41'15" West 69.82 feet; thence northwesterly 16.76 feet along the arc of curve, radius of 32.00 feet, center lies to the southwest, chord bears North 23°41'15" West 16.56 feet; thence North 38°41'15" West 52.67 feet; thence easterly 293.22 feet along the arc of curve, radius of 70.00 feet, center lies to the north, chord bears North 81°18'45" East 121.24 feet; thence South 21°18'45" West 52.67 feet; thence southerly 16.76 feet along the arc of curve, radius of 32.00 feet, center lies to the east, chord bears South 06°18'45" West 16.56 feet; thence South 08°41'15" East 69.82 feet; thence southeasterly 100.05 feet along the arc of curve, radius of 70.00 feet, center lies to the northeast, chord bears South 49°38'06" East 91.75 feet; thence North 89°25'03" East 239.91 feet; thence North 00°34'57" West 111.58 feet; thence northeasterly 250.31 feet along the arc of curve, radius of 260.00 feet, center lies to the southeast, chord bears North 26°59'50" East 240.75 feet; thence northerly 18.85 feet along the arc of curve, radius of 15.00 feet, center lies to the west, chord bears North 18°34'45" East 17.63 feet; thence North 17°25'07" West 50.00 feet; thence easterly 219.91 feet along the arc of curve, radius of 70.00 feet, center lies to the northeast, chord bears North 72°34'53" East 140.00 feet; thence South 17°25'07" East 50.00 feet; thence southeasterly 18.85 feet along the arc of curve, radius of 15.00 feet, center lies to the northeast, chord bears South 53°24'59" East 17.63 feet; thence South 89°24'51" East 406.98 feet; thence North 00°35'09" East 12.43 feet; thence South 89°24'51" East 40.00 feet to the east line of said Southeast 1/4; thence South 00°35'09" West along said east line 222.43 feet; thence North 89°24'51" West 40.00 feet; thence North 00°35'09" East 150.00 feet; thence North 89°24'51" West 406.98 feet; thence southwesterly 318.24 feet along the arc of curve, radius of 200.00 feet, center lies to the southeast, chord bears South 45°00'06" West 285.71 feet; thence South 00°34'57" East 267.51 feet; thence southerly 104.47 feet along the arc of curve, radius of 170.00 feet, center lies to the east, chord bears South 18°11'17" East 102.84 feet; thence South 35°47'38" East 102.88 feet; thence southerly 203.18 feet along the arc of curve, radius of 320.00 feet, center lies to the west, chord bears South 17°36'15" East 199.79 feet; thence South 00°35'09" West 143.79 feet; thence southerly 97.10 feet along the arc of curve, radius of 430.00 feet, center lies to the west, chord bears South 07°03'17" West 96.89 feet; thence South 13°31'26" West 200.35 feet; thence South 76°28'34" East 47.93 feet; thence easterly 38.39 feet along the arc of curve, radius of 170.00 feet, center lies to the north, chord bears South 82°56'43" East 38.31 feet; thence South 89°24'51" East 87.67 feet; thence easterly 48.34 feet along the arc of curve, radius of 270.00 feet, center lies to the north, chord bears North 85°27'24" East 48.28 feet; thence North 80°19'39" East 112.95 feet; thence easterly 64.45 feet along the arc of curve, radius of 360.00 feet, center lies to the south, chord bears North 85°27'24" East 64.37 feet; thence South 89°24'51" East 105.00 feet; thence North 00°35'09" East 155.00 feet; thence South 89°24'51" East 40.00 feet to the east line of said Southeast 1/4; thence South 00°35'09" West along said east line 370.18 feet to the place of beginning.

The Common Council has scheduled other public hearings for October 17, 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.

A copy of the proposed map amendment is available for review at the Department of Community Development.

Any person(s) with questions regarding the proposed map amendment may contact the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: September 13, 2017
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 5

Recommendation: That the Council adopt Ordinance No. 2868, amending Section 6.01 of the Municipal Code, an amendment to the Official Map for a portion of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21 (mapped, unimproved right-of-way affecting the properties at 9349 S. Nicholson Rd., 1200 E. Ryan Rd., 9211R S. Nicholson Rd., and 9025 S. Nicholson Rd.).

Background: The Applicants are currently in the process of subdividing the properties above as part of a single-family residential development (East Brooke Preserve). Officially-mapped streets are sited throughout the subdivision, as shown on the Location Map. Several deviations to the street pattern are proposed in the submitted right-of-way exhibit:

- The north-south portion of the proposed road will be shifted slightly west and incorporate curves not shown in the official street pattern. This relocation is proposed in an effort to save mature trees while optimizing single-family residential lot layouts.
- Shifting the north-south road west will remove the direct connection to the future road shown on the Official Map to the outlot at 9211R S. Nicholson Rd. However, the DNR's Wetland Inventory Map indicates the presence of wetlands on this property that would affect the ability to construct a road or other development.
- The cul-de-sac in the center of the official street pattern is proposed to be removed due to the presence of wetlands and floodplain. This also allows for stormwater facility siting.
- A northern cul-de-sac will be added to substitute for the center cul-de-sac and to allow for the utilization of developable land.
- A second access point to South Nicholson Road will be added between the existing buildings on 9349 S. Nicholson and the adjacent parcels to the north for lot layout, and to provide for a formal entrance to the development.
- The northernmost cul-de-sac will be reduced in length for the development of lots around it. Plan Commissioners will note that this change will remove the direct connection between the cul-de-sac shown on the official map and the parcel at 9025 S. Nicholson Rd.

When considering a proposal to amend the Official Map, the Commission should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties.

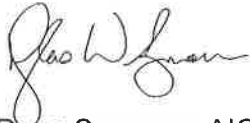
There are two properties outside of the proposed subdivision that are directly impacted by the proposed amendments. The Plan Commission reviewed the request at their meeting on September 12, 2017, and had several concerns regarding the ultimate effect the proposed road modifications would have on the

two affected property owners without an agreement in place. Based on those concerns, a motion to recommend approval of the Official Map Amendment was not approved by the Plan Commission.

Since the Plan Commission's review, the Applicants have been in contact with the two affected landowners and have modified the subdivision layout based on those discussions and site conditions. The request to have the Common Council review the proposal absent a recommendation from the Plan Commission preceded the layout presented with this report.

Fiscal Impact: Approval of this Amendment would allow for the development of the affected properties with single-family residential homes. The proposed East Brooke Preserve subdivision is currently designed for 69 new single-family residential lots, which would provide new tax base of approximately \$20 million dollars) and an estimated \$275,724 in impact fees.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director / Comptroller

ORDINANCE NO. 2868

BY: _____

AN ORDINANCE TO AMEND SECTION 6.01 OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK AMENDING THE OFFICIAL MAP FOR A PORTION OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 21 (MAPPED, UNIMPROVED RIGHT-OF-WAY AFFECTING THE PROPERTIES AT 9349 S. NICHOLSON RD., 1200 E. RYAN RD., 9211R S. NICHOLSON RD., AND 9025 S. NICHOLSON RD.)

(3rd Aldermanic District)

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

SECTION 1: Section 6.01 of the Municipal Code of the City of Oak Creek enacted and adopted pursuant to Section 62.23(6)(b), Wisconsin Statutes, creating the official map of the City of Oak Creek, is hereby amended so as to establish the exterior lines of planned new streets, highways, parkways, parks and playgrounds and to widen, narrow, extend and close existing streets, highways, parkways, parks and playgrounds, as more fully shown on the map attached hereto and declared to be a part thereof (EXHIBIT "A"), the same affecting the Section 21, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

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

SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor

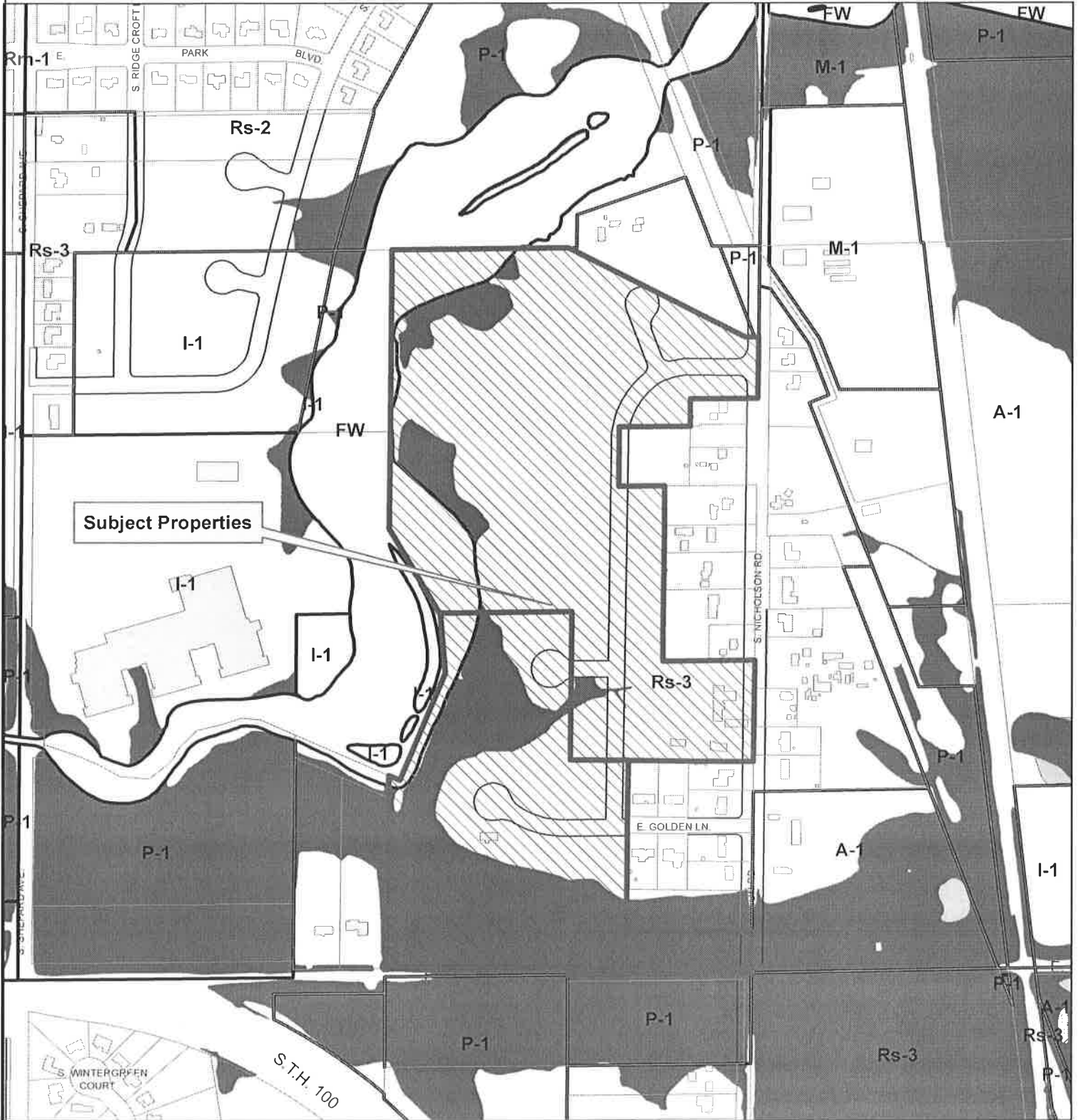
ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____

Location Map

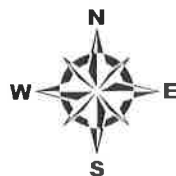
9349 S. Nicholson Rd. & 1200 E. Ryan Rd



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



Department of Community Development



Legend		Zoning Overlays	
	9349 S. Nicholson Rd.		C-1 Shoreland Wetland
	1200 E. Ryan Rd.		FF Flood Fringe
			Lakeland Overlay
			100 Mixed Use Neighborhood
			OO Mixed Use Office
			RR Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 12, 2017**

OFFICIAL MAP AMENDMENT

PORTION OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 21

9349 S. NICHOLSON RD, 1200 E. RYAN RD, 9211R S. NICHOLSON RD AND 9025 S. NICHOLSON RD

TAX KEY NOS. 873-9998-002, 873-9006-006, 873-9012-000, 873-9999-001

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

Commissioner Chandler asked if any comments have been received from the property owners in the area regarding these changes. Planner Papelbon responded that her understanding was that the applicant has had conversations with the two affected property owners. The two properties that will be affected are on the northern part that directly abuts the proposal, and the remnant parcel labeled as "Outlot 1."

Dave Tanner, Korndoerfer Homes, 175 N. Corporate Drive, Brookfield, WI, stated he is co-developing this land with Kaerek Homes. They have renamed it East Brooke Preserve from the previous name per the Plan Commission.

Mr. Tanner has been able to explain the proposed plan to the two property owners via phone call. They tried to lay out the property in a way where it fits the landscape, tree lines, storm water, geometry, access and suitable building pads. He feels he has accomplished this with the current layout. They were not aware of the official map amendment being needed until they received their staff report for the preliminary plat approval. It would be very difficult to make those changes for a couple of reasons. Staff mentioned the road to the south adjacent to wetlands. They tried to create a nice curve lineal layout that lends itself to a nice neighborhood. As far as the cul-de-sac to the north, they felt that the owner to the north still has access along Nicholson Road. There is a pond planned in that little area adjacent to the property. The subject property has some power lines there and it is irregular. It just looked like there was minimal potential for subdividing that, so they tried to find the balance in laying it out in a way where it seemed to make sense for a future neighborhood. He does realize there is a conflict with the official street pattern at this time.

Commissioner Chandler asked if the two property owners he spoke to were in agreement. Mr. Tanner responded that one owner wanted to study it and hire an attorney. The other owner preferred to have it changed to have the cul-de-sac moved. He feels there is adequate access along Nicholson. He stated that he found out at the meeting regarding the preliminary plat that the proposed road pattern did not coincide close enough with the official road map.

Commissioner Johnston stated that he did meet with a couple of residents, and the big issue that they have is that there is not access to the property to the north. Their frontage is 15 feet in the corner, so the cul-de-sac on the north end to tie into that property to the north is valid and is a necessity to keep that official mapped street pattern there. Regarding the other parcel that is the Outlot, the City's map shows that that parcel is ¾ of a potential wetland. The delineation that was done with the applicant's survey shows wetlands entering that property, whereas the City's map shows that there are wetlands there. Commissioner Johnston stated that there is a strong feeling that there are wetlands in there. Commissioner Johnston stated that he could push that back if it is not developable, but they still need to have some concurrence with that property as well. However, the property to the north does need to stay in and have access to Nicholson Road.

Mr. Tanner asked for clarification on the property to the north. Commissioner Johnston responded that Milwaukee County owns everything along Nicholson. Their only frontage is a 15-foot corner. The rest of the frontage is owned by Milwaukee County and is parkland. Their driveway actually crosses parkland. That is when their sanitary sewer was run in there. That is why it had to go to that location because that is the only frontage that they have to their parcel.

Mr. Tanner asked what the City would be looking for to satisfy the requirements of Outlot 1. Commissioner Johnston responded that he has not met with that resident. However, the City's map shows that there are wetlands encumbering a significant portion of that property. He could see pushing that road away to the applicant's alignment and not meeting the official mapped street pattern at that location due to the significance of the wetlands that are shown on the City's maps.

Commissioner Correll asked where the Plan Commission is moving forward without that rectified or agreed upon.

Catherine Roeske, 9025 S. Nicholson Road, Oak Creek, Wisconsin, stated that she is the homeowner of 9025 S. Nicholson Road. Her entire property is not shown on the map. What is depicted on the map shown at the meeting is about half of the property. The only access she has to Nicholson Road is that 15 feet. It is very slim between the easement and the adjacent property. She has not been formally served in writing or requested via letter by the proposed developer for an exception to the map amendment. She has spoken to him a couple of times, but never received a formal request for any type of approval for Plan Commission to vote on. She does not agree with the statement that was made that this wouldn't be a detriment to neighbors to modify that map. She stated that Commissioner Johnston is correct and that it does landlock her. They have a very developable property. They have no wetland and are surrounded by parkland. If that cul-de-sac the way the City had originally envisioned it were to be developed, there could easily be dividable land within her property to incorporate into a subdivision and a neighborhood community. Once that map gets amended and her property becomes landlocked, it makes it extremely difficult for anything to happen on that property in the future. When she purchased the home many years ago, they were asked to combine the two properties into one property, which would help in future development. They did that and connected to City sewer as requested by the City and they had to go all the way out to that property. If this map were to be amended, it would be a shame for the subdivision and that Nicholson Road development; it is a waste of a beautiful property.

Ms. Roeske continued by stating that part of the reason why the developer said he wanted to push the cul-de-sac back was that it would maintain mature trees. Really, there are not mature trees along that line. They do have an apple orchard with mature apple trees, but it is not a wooded lot. The woods are on the back side of her property which borders Milwaukee County parkland. To develop the property that she owns into the subdivision actually maintains that beautiful park structure and makes the lots very desirable. Once they are landlocked, they don't have an option to develop that land whatsoever; either for single-family residential or any other purpose.

Commissioner Correll asked if there was interest in that land becoming part of this proposed subdivision. Ms. Roeske responded there is and she has expressed interest to the developer, however, they have not expressed an interest in purchasing the property. Commissioner Correll encouraged that to be figured out before he is comfortable moving forward.

Mayor Bukiewicz asked if using the City's officially mapped street pattern, how many lots can be made out of the cul-de-sac. Planner Papelbon responded that it depends on the size of the cul-de-sac and how much of it actually touches the property line; yes, it would be able to be used as

frontage. The concern with removing the cul-de-sac is frontage, not just for meeting Code requirements, but access in general.

Commissioner Correll asked how the neighbor's frontage issue would be solved if the developer uses the existing proposed roads. The neighbor wouldn't have much to say if they went with the proposed City road. Commissioner Johnston responded that the issue is how they built it. There wouldn't be enough frontage to get the lots on the piece to the north. The cul-de-sac would need to be extended onto that property if it going to be tied into this development. They would pull the lots off of that to get the required frontage. This would just be an access point so the property to the north would actually have legal frontage and be a conforming lot.

Commissioner Dickmann stated that he doesn't want to see a piece of property landlocked.

Mr. Tanner asked if the property is landlocked or not because currently there is access. Commissioner Johnston responded that there is 15 feet of access. It is not a conforming lot for frontage. Mr. Tanner asked if it was a non-conforming lot now as it stands. Commissioner Johnston responded yes, it is. Mr. Tanner responded that irrespective of his development, what could be done to that property. Commissioner Johnston responded, nothing, it would stay a single family home.

Carol Grundy, 9160 S. Nicholson Road, Oak Creek, WI stated that she is not really happy about where they are placing the driveway because it is almost in line with her driveway. She stated that where they are proposing a pond on the Outlot is high land. It doesn't make sense to put a pond right near that driveway. They project 300 some cars, almost 400, but she has seen a lot more than that coming out of there. She stated that there needs to be more work done in checking into this. Commissioner Johnston stated that the pond is south of the cul-de-sac and north of the proposed road coming out. That is where the retention pond is going. The reason for shifting the road to the north is so that they can get lots on the other side of the roadway. The pond drains the lots adjacent to the roadway. Runoff goes into that pond and then from there, it runs into a larger pond on the west side. There will be an outlet on that pond and that water will be conveyed to the next pond to the west.

Tony Zanon, Pinnacle Engineering, 15850 W. Bluemound Rd, Brookfield, WI stated that the area referred to is a dry pond. The only reason it is there is because of drainage issues; this area acts as a swale to prevent water runoff to Nicholson Rd. It is connected to a storm sewer pipe along the north line to the main storm water wet pond between the north cul-de-sac and flood plain. Mr. Zanon agreed with the lot layout on the north connection point to Nicholson Rd. but was concerned about how the Verhalen piece would be laid out. For instance, the layout of the north connection point to Nicholson did not allow for lots to the south. The second connection point to Nicholson on the south allowed for development of unused space there. The center cul-de-sac was pushed to the north to allow for the flood plain and use of land to the north for additional lots. The main focus was to fully utilize the land. Commissioner Correll stated that he likes the fact that the number of lots is being maximized by moving the road; his main concern is for the property owner to the north.

Debra Alfaro, 9175 S. Patricia Blvd, Oak Creek, WI explained that she and her husband are the owners of an Outlot, as well as a buildable lot on Nicholson Rd. The new proposal will result in the Outlot basically being landlocked. With the original proposal, they would have been able to create two parcels from the Outlot. She realizes that the developer's objective is to maximize their profit, but she would like the opportunity to maximize hers as well. Commissioner Johnston commented that this parcel potentially has wetlands on it. Ms. Alfaro stated that she grew up in the nearby area and is familiar with the layout of the Outlot, which is completely wooded. Her understanding is that the low-lying area is to the north of the Outlot. Commissioner Johnston pointed out a small triangular area on the adjacent outlot 3 which is delineated for wetlands, but

the maps show that the frontage of the Outlot and the whole southern border have the potential for wetlands. They cannot be certain that there are wetlands on the parcel without a delineation. If there are wetlands present, it would be very difficult to develop the land as a single-family lot. Ms. Alfaro inquired how this is determined. Commissioner Johnston indicated that a wetland delineation would be done either by SEWRPC or a wetland delineator who would be contracted by the property owner. Ms. Alfaro asked about several other lots proposed at prior meetings where there are wetlands, but it was determined that it would not be an issue. Commissioner Correll commented that Ms. Alfaro's parcel *may* have wetlands and it would be in her best interests to have a wetland delineation done to confirm whether or not the lot is buildable. Ms. Alfaro inquired whether the City would allow her time to make that determination. Commissioner Correll asked for Planner Papelbon's input, taking into consideration the two existing property owners who will be affected by the map amendment and questions they have that require an answer before moving forward. Ms. Alfaro interjected that it was her understanding this would be the second phase of the development. Commissioner Correll indicated that the planning portion would all be done now; it is not pieced together so the window of opportunity for any changes would be before the project gets started. Ms. Alfaro noted that she first became aware of the proposed change only a month ago and is requesting more time to determine how she will proceed.

Mr. Zanon commented that Pinnacle Engineering had the wetland delineated on their side and designed the layout around those wetlands. The DNR wetland inventory map shows the majority of that back lot as wetland which is usually the first indicator they look at when developing a property, so he recommends a wetland delineation on the outlot to determine exactly what the property owner has to work with. He added that since the Alfaros own both the frontage lot on Nicholson and the rear lot, they could potentially develop both without requiring access through the rear of the Outlot. Ms. Alfaro agreed, but stated that she would like to know what their best option would be without any decisions being made at this time.

Mayor Bukiewicz invited comments from the Commission.

Commissioner Dickmann stated that the rear lot has been incorrectly referred to as "landlocked" but is more correctly defined as "unbuildable." His concern is that the developer has moved the road to his advantage to make the best use of developing the available lands, but the existing property owners are not being given the same opportunity. Commissioner Carrillo reiterated that using the word "landlocked" to describe the Alfaro's rear outlot is incorrect, as they would still have access to Nicholson Rd. through the frontage on their adjacent parcel, it would just require a longer driveway.

Mark Verhalen, 1200 E. Ryan Rd., Oak Creek, WI, stated that he owns the property at 9340 S. Nicholson Rd., and added that the plan makes the best possible use of available land for the developer. Currently he is still the owner of all of the lands in question, but if the developer cannot make the project work with the proper lot count, his plan is to continue farming the land. Mayor Bukiewicz agreed with Mr. Verhalen's observations, but is concerned with what options are available to allow access to the north. Commissioner Correll also agreed with Mr. Verhalen's comments, adding that it is in the best interests of the City to be able to generate taxable income on the developed lots, but he, too, was uncomfortable moving forward without some kind of resolution on behalf of the two existing adjacent property owners. Planner Papelbon summarized the Commissioners' comments by stating that the item should be potentially held until it can be further discussed with the two affected land owners. She further inquired if the Commission is requesting alternate designs for modifying the official map pattern, or a detailed explanation of why that is not feasible. Mayor Bukiewicz stated that if it is not doable from a financial standpoint, that is understandable. However, if it is due to the wetland delineation, finding a resolution may take a much longer time. Several of the Commissioners stated that they would like to see the item postponed. Commissioner Correll inquired what impact it would have on the developer if

Commission decides to hold the item. Mr. Tanner indicated that the timing would affect their approvals and the feasibility study, which would have to be worked out with Mr. Verhalen as they did not factor in additional time for delays. If the decision is to table the item, the developer can talk again with the property owners, but the developer is already aware of what they would be asking for. Ultimately, the developer's stance is that the project will not be feasible if the number of lots is decreased. Commissioner Correll inquired whether the Outlot owned by the Alfaros would be of interest to the developer. Mr. Tanner replied that they are confident the parcel is wetland. He could request that they do a delineation of the parcel, but believes that they will accept wetland delineations for this year only up through the next two weeks.

Commissioner Chandler expressed concern that the Commission is just now hearing the adjacent property owners' opinions at this meeting. Mr. Tanner clarified that Korndoerfer Homes had discussions with the owners after the meeting two months ago. At that point, the owners asked for more time to discuss their concerns with staff. However, their preferences do not align with this development as the end result would be to eliminate lots. Commissioner Chandler asked why the road could not be shifted to allow the adjacent property owners additional options. Mr. Tanner explained that doing so would change the number of lots that could potentially be developed, which will affect the overall financial feasibility of the project. Commissioner Chandler asked if the developer has specifically evaluated moving the road. Mr. Tanner indicated yes, that Mr. Zanon has looked at that option. Mr. Zanon's understanding is that there was a different entity looking at developing this land a number of years ago. Their preliminary plat was the base point for Pinnacle Engineering to begin their layout of this proposed subdivision. The current plan shows a total of 73 lots being developed from the available land. The former developer's plan included 80 lots. Pinnacle did not feel that the 80-lot layout would provide lots large enough for a typical Kaerek or Korndoerfer home, so the number of lots was minimized and they added the half-moon cul-de-sac at the north end. Extending this cul-de-sac to the north would result in losing two lots. Shifting the road to the east toward the Alfaros' property would result in losing all of the lots on the east side. He could create a stub road to their property, which would also result in losing two more lots for a total of four. Mr. Zanon further explained that when they first began layout of the lots, they started with the preliminary plat which showed 69 lots, but there were several that had potential flood plain issues that needed to be resolved first. When they received preliminary plat approval two months ago, the total number of lots was 73. They were only made aware of the road a few days before that meeting, but attended the meeting anyway wherein Plan Commission approved the plat. After that meeting, they approached the two property owners who will be affected. One consideration would be to extend Road D north, which would eliminate lots 48 and 49. If they were to create a stub road connecting the north-south road to the Alfaros' rear property to grant provide from the west, it would eliminate lot 59, but lot 58 would also be affected as it would then become a corner lot that has different setback requirements. After looking at these alternatives, Mr. Zanon went back to the developer, but told them they would have four less lots available.

Catherine Roeske, 9025 S. Nicholson Rd., Oak Creek, WI, stated that she is supportive of this subdivision being developed, understanding that it is a very positive thing for the City. Ms. Roeske's concern is that the developer stated they were caught off-guard by the map which showed how the City envisioned the development. She contends that this should have been requested up front prior to creation of the preliminary plat so that the developer was working in accordance with how the City had envisioned the development. She is sympathetic to the costs and the potential loss of profit to the developer, but urged the Plan Commission to consider, as stated in the staff report, the impact their proposal has on the ability to logically develop adjacent properties with the existing Official Map. Her concern is that the developer has not demonstrated that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood, and in effect, has removed the ability of the adjacent property owners to develop their properties in a cost-effective manner.

Mayor Bukiewicz stated that he believes there are options for the Alfaro property; rather than creating the stub road previously mentioned, the owners have the ability to access the rear parcel through the frontage on Nicholson Rd. and depending on the wetland delineation, could draw up a CSM to develop those lots. His main concern is access to the north parcel.

Mr. Zanon inquired whether it would be possible to send this item through to Common Council without a recommendation from the Plan Commission. This would grant them more time to talk with the property owners. Mayor Bukiewicz stated that the item can be brought to Council with no recommendation from Plan Commission. Commissioner Correll felt that it should be the Council's decision if the City cannot resolve the issues with the property owners. Mayor Bukiewicz inquired if the item could be held for two weeks and still proceed to Council. Planner Papelbon indicated that this would push the public hearing to November, rather than the October 17th meeting. Commissioner Correll indicated this would push the developer out of his required time frame. He suggested having the item go to Council with no recommendation from Plan Commission to keep the developer timeline moving. Mayor Bukiewicz pointed out that there was a motion made to hold the item, but no second. Planner Papelbon stated that the Mayor can make the unilateral decision to hold the item, but there would need to be a motion in order to vote "yes" or "no" on an item before it could proceed to Council. Mayor Bukiewicz reiterated that there was a motion made to hold the item. Planner Papelbon repeated that it would be up to the Mayor whether or not to hold the item, which does not require a motion. Mayor Bukiewicz pointed out that the Council is ultimately going to make the decision regardless of the Plan Commission's recommendations. However, this would give the developer time to talk with the property owners and come up with a workable solution. Commissioner Dickmann inquired if someone makes the suggested motion, and no one seconds, whether the item would move forward to Council. Planner Papelbon stated that the correct procedure is to make the motion as stated, second the motion, and issue a vote of yes or no, which would move the item forward.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Official Map for the a portion of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21 (mapped, unimproved right-of-way affecting the properties at 9349 S. Nicholson Rd., 1200 E. Ryan Rd., 9211R S. Nicholson Rd., and 9025 S. Nicholson Rd.) be amended as illustrated, after a public hearing.

Commissioner Dickmann seconded. On roll call: all Commissioners voted no. Plan Commission's recommendation is not to approve the proposed amendment to the official map as presented.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9/26/17

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 John Thomsen, Somerstone, LLC, to rezone the properties at 7725 & 7869 S. 13th St. from Rs-3, Single Family Residential and B-3, Office and Professional Business to B-4, Highway Business.

Hearing Date: October 17, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: John Thomsen, Somerstone, LLC
Property Owner: Rebecca R Demarb as Receiver for Drexel Commercial Limited Partnership & Sweet Demarb, LLC
Property Location(s): 7725 & 7869 S. 13th St.
Tax Key(s): 784-9019-000 & 784-9993-001

Legal Description:

7725 S. 13th St.:

Lot 1 of Certified Survey Map No. 7578, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 964.92 feet to a point; thence South 89°23'47" West 45.00 feet to the point of beginning of lands to be described; thence South 89°23'47" West 153.00 feet to a point; thence North 00°05'47" East 247.30 feet to a point; thence North 89°23'47" East 153.00 feet to a point on the East line of South 13th Street; thence South 00°05'47" West along said East line 247.30 feet to the point of beginning. Containing 37,834 square feet or 0.8685 acres.

7869 S. 13th St.:

Part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 65.01 feet to a point on the North line of West Drexel Avenue and the point of beginning of lands to be described; thence South 89°18'02" West along said North line 571.63 feet to a point; thence North 70°38'48" West along said North line 377.71 feet to a point on the East line of Interstate Highway 94; thence North 12°06'03" West along said East line 1156.78 feet to a point; thence North 00°03'52" East along said East line 0.15 feet to a point on the North line of the Southeast 1/4 of said Southeast 1/4 Section; thence North 89°13'29" East along said North line 1172.69 feet to a point on the East line of said Southeast 1/4 Section; thence South 00°05'47" West along said East line 17.74 feet to a point; thence South 89°23'47" West 198.00 feet to a point on the West line of Lot 2 of

Certified Survey Map No. 7578; thence South 00°05'47" West along said West line 347.63 feet to a point on the North line of Lot I of Certified Survey Map No. 271; thence South 89°18'02" West along said North line 132.00 feet to a point on the West line of said Lot 1; thence South 00°05'47" West along said Lot 1 and its extension 598.00 feet to a point on the South line of Lot 1 of Certified Survey Map No. 130; thence North 89°18'02" East along said South line 330.00 feet to a point on the East line of said Southeast ¼ Section; thence South 00°05'47" West along said East line 302.24 feet to the point of beginning. Containing 1,038,561 square feet or 23.8421 acres.

The Common Council has scheduled other public hearings for October 17, 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: September 13, 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 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: October 17, 2017

Item No.: 7

Recommendation: That the Common Council adopts Ordinance No. 2869, an ordinance to rezone the properties at 7725 & 7869 S. 13th St. from Rs-3, Single Family Residential and B-3, Office and Professional Business to B-4, Highway Business.

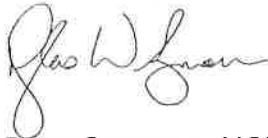
Background: At the September 12, 2017 meeting, the Plan Commission recommended Common Council approval of rezoning of the properties at 7725 & 7869 S. 13th St. from Rs-3, Single Family Residential and B-3, Office and Professional Business to B-4, Highway Business. Both of the properties are proposed to be combined via a CSM (scheduled for review at the November 14, 2017 Plan Commission meeting). This request is in advance of pursuing a commercial Planned Unit Development that will incorporate several more properties that are currently being negotiated for purchase, and will require additional rezone review in the future.

The large parcel was rezoned to B-3 in 2006. It was mentioned in the staff reports for the rezone that the Comprehensive Plan should also be amended “to designate the properties north of W. Drexel Avenue, between S. 13th Street and Interstate 94...as ‘Planned Office.’” However, the ordinance approving the rezone of the property did not include the amendment to the Comprehensive Plan, and the amendment was not completed at that time. Recognizing the original intent, development that has occurred since 2006, and the preliminary plans for the overall development for 13th St. and Drexel Avenue, a Comprehensive Plan Amendment was recently proposed and approved (Plan Commission – August 8, 2017; Common Council – August 15, 2017).

Existing parcels in the immediate area are zoned for residential, commercial, and institutional uses. Within 1000 feet are manufacturing and park uses. The B-4, Highway Business district “is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state and county highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic.” Both parcels are located along federal (I-94) and county (13th Street) highway routes, and the plan for development of a commercial PUD, appear to be consistent with the B-4 purpose statement.

Fiscal Impact: Approval of this zoning change is the first step in the overall plans for redevelopment in this area. Ultimately, a PUD will be requested, which will allow for a mix of layouts and uses. At this time, it is anticipated that commercial, restaurant, and service uses will comprise a majority of the plan. Development and redevelopment of parcels in this area will provide positive financial impacts in terms of tax base and impact fees. Potential impacts to the City may also include infrastructure costs (to be determined). These properties are not currently part of a TID.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

ORDINANCE NO. 2869

By: _____

AN ORDINANCE TO REZONE THE PROPERTIES AT 7725 AND 7869 S. 13TH ST. FROM RS-3, SINGLE FAMILY RESIDENTIAL AND B-3, OFFICE AND PROFESSIONAL BUSINESS TO B-4, HIGHWAY BUSINESS

(1st Aldermanic District)

WHEREAS, JOHN THOMSEN, SOMERSTONE, LLC has applied for a rezoning of the properties at 7725 and 7869 S. 13th St. from Rs-3, Single Family Residential and B-3, Office and Professional Business to B-4, Highway Business.

WHEREAS, the property is more precisely described as follows:

7725 S. 13th St.:

Lot 1 of Certified Survey Map No. 7578, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 964.92 feet to a point; thence South 89°23'47" West 45.00 feet to the point of beginning of lands to be described; thence South 89°23'47" West 153.00 feet to a point; thence North 00°05'47" East 247.30 feet to a point; thence North 89°23'47" East 153.00 feet to a point on the East line of South 13th Street; thence South 00°05'47" West along said East line 247.30 feet to the point of beginning. Containing 37,834 square feet or 0.8685 acres.

7869 S. 13th St.:

Part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 65.01 feet to a point on the North line of West Drexel Avenue and the point of beginning of lands to be described; thence South 89°18'02" West along said North line 571.63 feet to a point; thence North 70°38'48" West along said North line 377.71 feet to a point on the East line of Interstate Highway 94; thence North 12°06'03" West along said East line 1156.78 feet to a point; thence North 00°03'52" East along said East line 0.15 feet to a point on the North line of the Southeast 1/4 of said Southeast 1/4 Section; thence North 89°13'29" East along said North line 1172.69 feet to a point on the East line of said Southeast 1/4 Section; thence South 00°05'47" West along said East line 17.74 feet to a point; thence South 89°23'47" West 198.00 feet to a point on the West line of Lot 2 of Certified Survey Map No. 7578; thence South 00°05'47" West along said West line 347.63 feet to a point on the North line of Lot I of Certified Survey Map No. 271; thence South 89°18'02" West along said North line 132.00 feet to a point on the West line of said Lot 1; thence South 00°05'47" West along said Lot 1 and its extension 598.00 feet to a point on the South line of Lot 1 of Certified Survey Map No. 130; thence North 89°18'02" East along said South line 330.00 feet to a point on the East line of said Southeast 1/4 Section; thence South 00°05'47" West along said East line 302.24 feet to the point of beginning. Containing 1,038,561 square feet or 23.8421 acres.

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 October 17, 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 B-3, Office and Professional Business to B-4, Highway Business, 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 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor

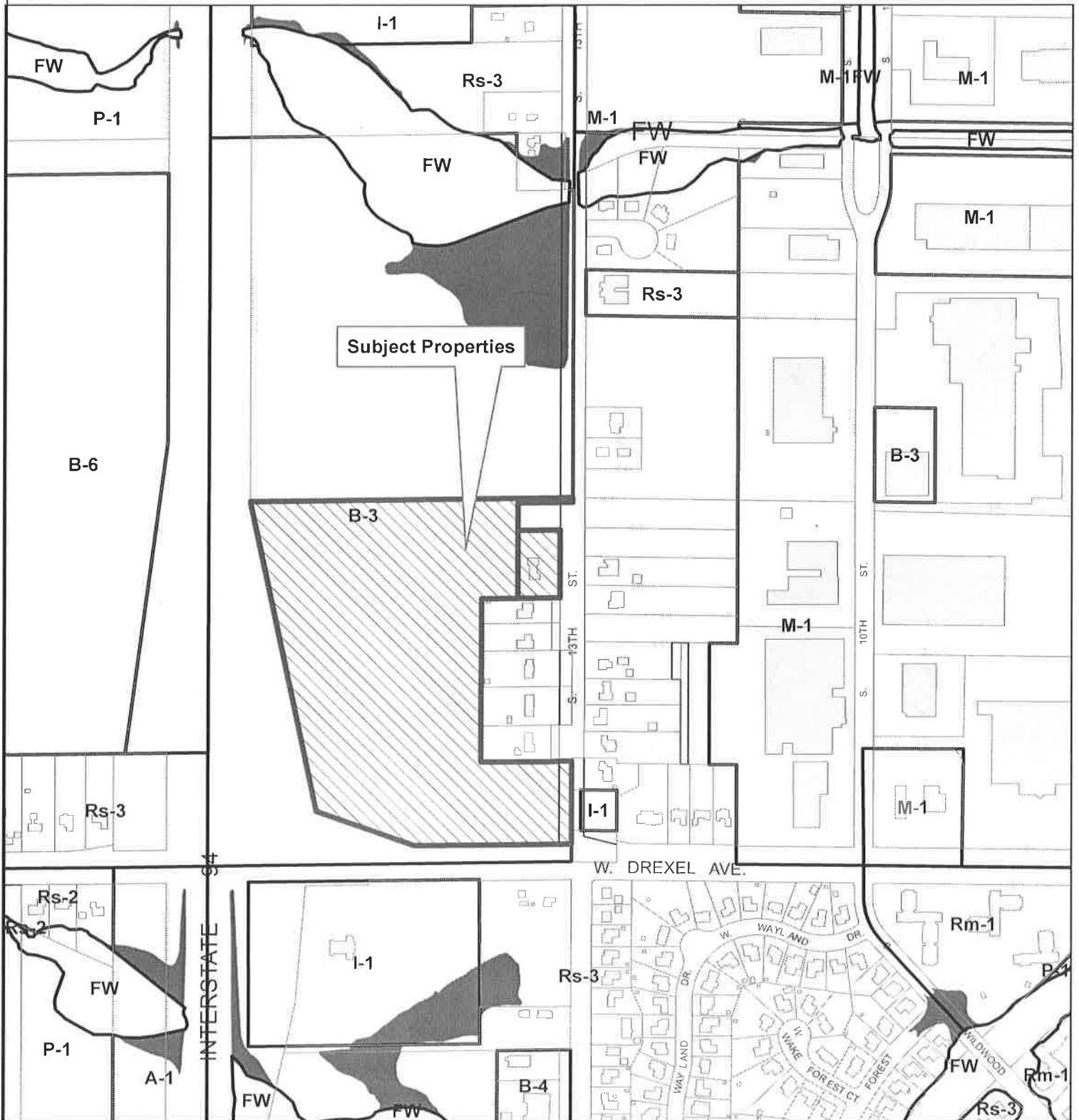
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

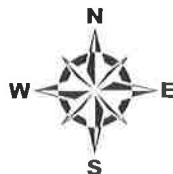
7725 & 7869 S. 13th St.



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



Department of Community Development



Legend		Zoning Overlays	
	7725 S 13th St		7869 S 13th St
	CL Shoreland Wetland		FF Flood Fringe
	L Lakeshore Overlay		HO Home Occupation
	OO Office Overlay		RR Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 12, 2017**

**REZONE - JOHN THOMSEN, SOMERSTONE, LLC
7725 & 7869 S. 13TH ST.
TAX KEY NOS. 784-9019-000 & 784-9993-001**

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

Mayor Bukiewicz read into the record a letter dated September 11, 2017, from resident Ken Wahl, 7811 S. 13th St., Oak Creek, WI. In his letter, Mr. Wahl expressed his support of the rezoning of his parcel and the other lots on the west side of 13th St. to B-4 Highway Business.

Linda Oelschlaeger, 7764 S. 13th St., Oak Creek, WI, stated that she feels the B-3 zoning designation will fit in better with the Mixed Use that was voted on in the last meeting. In her opinion, Mixed Use indicates some residential. B-3 would make it more likely that the existing property owners on the west side of 13th St. who have not already been bought out might stay and stabilize the neighborhood. Her concern is that B-4 zoning will open up the area to uses that are incompatible with the neighborhood that has existed for over fifty years. Her home specifically has been there for 164 years. She does not feel that these long-standing residents should have their largest investment devalued by having B-4 zoning adjacent to or across the street from their homes.

Clarence Schmidt, 7842 S. 13th St., Oak Creek, WI, stated that he does not support the proposed B-4 zoning designation and feels that development of Oak Creek is moving too fast. His concern is the City approving the B-4 zoning before knowing exactly what type of business will be moving there. He inquired if Mayor Bukiewicz has received a lot of feedback from other residents about the City developing too quickly. Mayor Bukiewicz responded that he has received very positive feedback from residents about the progress in Oak Creek and he feels that the City is taking into account the needs of the residents through the Comprehensive Plan, while taking advantage of opportunities for growth to provide a long-term tax base.

Commissioner Chandler requested that the applicant address the reasons for requesting the rezoning of the properties from Rs-3 and B-3 to B-4. John Thomsen, 1938 Deer Path, Waukesha, WI, explained that once these properties went into receivership, Somerstone was chosen by the receiver to acquire the property. They have been looking into several proposed commercial uses and site plans over the past year and have evaluated different scenarios that could be developed on the site. The Comprehensive Plan did not fit with the current zoning, so things have been put on hold during the process of amending the Comprehensive Plan. Staff has recommended the best use for this site which aligns with retail users that have expressed an interest. The B-3 zoning does not align with what they are trying to accomplish.

Planner Papelbon elaborated that the Comprehensive Plan was amended to allow for Mixed Use on the site. The existing zoning for the larger site is B-3 and the smaller site is Rs-3. The request is for both of those sites to be rezoned to B-4. With the PUD overlay, Residential would not be prohibited. Commissioner Correll commented that if the rezoning were to take place, there would still be four or five residential properties on 13th St. that would not be directly affected. Planner Papelbon explained that it would depend on potential acquisition of those properties. If acquired, those properties would become part of the PUD; if not they would have to be considered as part of the PUD planning.

Dennis Cieslak, 7781 S. 13th St., Oak Creek, WI, stated that he has lived in his home for 39 years but supports the rezoning of the properties.

Ms. Oelschlaeger responded to Mr. Thomsen's comments about the retail development interest they have received on the properties, inquiring who the requests have come from. Mayor Bukiewicz stated that if Mr. Thomsen is currently in negotiations, he may not be at liberty to disclose that information. Mr. Thomsen responded that he is in contact with various national retailers who are new to the local market, but is not able to divulge any specific information at this time. Once Somerstone finalizes plans, it will then become the Plan Commission's decision whether to approve the proposed business. They will work closely with the Planning Department to ensure that the proposed new businesses fit with the City's objectives.

Commissioner Correll summarized the history of the rezoning request, explaining that the properties were taken out of receivership because they couldn't be sold as is. In addressing the citizens' concerns, it is a choice between having a vacant piece of land, or shifting the zoning in an effort to control how that land is eventually developed. He asked how long the properties had been on the market prior to Somerstone taking ownership. Mr. Thomsen replied that the reason the properties sat for so long is that the previous buyer who was under contract with the receiver was pursuing a Mixed Use project over a two-year period, but could not get it to work, as it did not meet the density they wanted due to the amount of wetlands located on the parcels. Somerstone has looked at Mixed Use, but it also is not workable for them. With so much retail interest in the site, they are ready to move ahead, contingent on the rezoning.

Commissioner Siefert asked if Planner Papelbon could give an example for the residents in the audience of what type of business might go into a B-4 zoning district. Ms. Papelbon responded that typically a variety of retail, office, and restaurant uses would be allowed. A Mixed Use PUD would potentially incorporate Residential, but if they are not part of the PUD, they would have to discuss buffer zones around those residential areas.

Commissioner Dickmann emphasized that the City would retain control over what businesses are located there, and they would be selective in choosing those businesses.

Ms. Oelschlaeger stated her understanding was that at the last Plan Commission meeting, the decision was to move forward with a Mixed Use designation. Planner Papelbon replied that the Comprehensive Plan does allow for a mixture of uses that would include the residential properties on 13th St. These properties would remain residential while allowing the subject properties to develop with additional uses such as restaurants, commercial, and retail. The area is appropriate for Mixed Use in the Comprehensive Plan. Ms. Oelschlaeger inquired what the difference is between B-3 and B-4. Planner Papelbon explained that B-3 is Office and Professional Business, and the property has been zoned that way since 2006. Commissioner Correll added that with the B-3 designation in place during that time, they were unable to sell the properties. With the proposed B-4 zoning, the properties will be much more marketable, as demonstrated by the increased interest in the area.

Hearing no other comments, Mayor Bukiewicz called for a motion.

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the properties at 7725 & 7869 S. 13th St. be rezoned from Rs-3, Single Family Residential and B-3, Office and Professional Business to B-4, Highway Business after a public hearing. Commissioner Correll seconded. On roll call: all Commissioners voted aye, except Commissioner Correll who voted no.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9/26/17

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 submitted Nick and Ashley Timber, City 13, for an amendment to the existing Conditional Use Permit to allow an indoor commercial recreation facility (escape room) in the existing multitenant building on the property at 6925 S. 6th St.

Hearing Date: October 17, 2017
Time: 7:00 p.m.
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Nick and Ashley Timber, City 13
Property Owner: URSA Oak Creek, LLC
Property Location(s): 6925 S. 6th St.
Tax Key(s): 735-9045-000

Legal Description:

Lot 1, Certified Survey Map No. 8100, being a division of a part of Certified Survey Map No. 754; part of Outlot 1 of Certified Survey Map No. 4216; part of Parcel 4 of Certified Survey Map No. 1332 and lands all being in the Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Southeast ¼ of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of Section 5; thence N 00°18'37" E along the West line of said section, 666.00 feet to the point of beginning of the lands to be described; thence N 88°44'35" W, 654.26 feet to a point on the Easterly line of the Wisconsin Central Limited Railroad Company right-of-way; thence N 04°44'49" W along said Easterly line, 666.71 feet to a point; thence S 88°40'29" E, 556.39 feet to a point on the Westerly right-of-way line of South 6th Street; thence Southeasterly 308.91 feet along said Westerly line and the arc of a curve whose center lies to the Northeast, whose radius is 869.00 feet and whose chord bears S 7°49'46" E, 307.29 feet to a point; thence S 28°00'47" E along said Westerly line, 137.37 feet to a point; thence Southeasterly 176.53 feet along said Westerly line and the arc of a curve whose center is to the Southwest, whose radius is 705.00 feet and whose chord bears S 20°50'21", 176.07 feet to a point; thence Southeasterly 67.39 feet along said Westerly line and the arc of a curve whose center is to the Northeast, whose radius is 240.00 feet and whose chord bears S 21°42'46" E, 67.17 feet to a point; thence Southeasterly 80.61 feet along said Westerly line and the arc of a curve whose center is to the Northeast, whose radius is 213.71 feet and whose chord bears S 53°58'25" E, 80.13 feet to a point; thence N 82°04'19" W, 159.38 feet to the point of beginning. Said lands containing 430,641 square feet (9.89 acres).

The Common Council has scheduled other public hearings for October 17, 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: September 13, 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 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 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6th St., Oak Creek, WI 53154.

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 9

Recommendation: That the Council adopts Ordinance 2871, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2777 to allow an indoor commercial recreation facility at 6925 S. 6th St.

Background: Nick and Ashley Timber, City 13, are requesting Conditional Use approval for an indoor commercial recreation facility within the existing multitenant building at 6925 S. 6th St. Indoor commercial recreation facilities are Conditional Uses in the M-1, Manufacturing district.

City 13, an escape room game business, will operate up to four (4) city-themed rooms and a party area within a 5,764 square-foot suite. Between 2 and 8 people in a room work cooperatively with sets of clues to solve puzzles within a set amount of time (typically 60 minutes) that lead to the exit. Unlike funhouses or haunted houses, these rooms are fully lit, the goal being to “escape” rather than to be startled by props or actors.

Initially, two employees (Applicants) will operate and manage all aspects of the facility. Should all 4 rooms be occupied simultaneously with the maximum number of customers each, up to 32 customers could be onsite (peak). Private events could bring up to 50 customers to the site. Proposed hours of operation are as follows:

Monday	Closed
Tuesday – Thursday	5:15 PM – 10 PM
Friday	5:15 PM – 11:30 PM
Saturday	10 AM – 11:30 PM
Sunday	11 AM – 8 PM

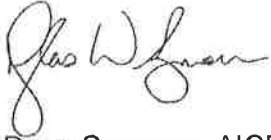
Existing parking for all tenants is striped for 46 stalls. While URSA Logistics is a 24-hour operation, the other tenants in the building do not operate past 5:00 PM during the week (no hours on weekends). A letter submitted by URSA (landowner) states that while 14 parking stalls are assigned to the lease space, no conflicts with the other tenants are anticipated due to differing hours of operation for the City 13 suite. URSA’s primary parking is utilized between 7 AM and 5 PM.

No outdoor storage or display of merchandise is requested, and existing trash receptacles will be used for the operation of the business. Signage will be in accordance with all City requirements (not part of this review).

The Plan Commission reviewed the proposed Amendment to the existing Conditional Use Permit at their meeting on September 26, 2017, and has recommended its approval subject to the attached Conditions and Restrictions.

Fiscal Impact: No direct fiscal impact is anticipated with this project. The multitenant building is existing and this will allow for the occupancy of an available suite. 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. 2871

By: _____

AN ORDINANCE TO AMENDING ORDINANCE NO. 2777 TO ALLOW AN INDOOR
COMMERCIAL RECREATION FACILITY AT 6925 S. 6TH ST.

(1ST Aldermanic District)

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

WHEREAS, Ordinance No. 2777, which was adopted on August 5, 2013 amended previous ordinances 2313, and 2493 and 2692 authorizing the issuance of a conditional use permit to allow for automobile and truck engine and body repair, and storage of vehicles and equipment for the properties at 6925 and 6965 S. 6th Street (the Property); and

WHEREAS, the Ordinance affected the following legally described properties;

Lot 1, Certified Survey Map No. 8100, being a division of a part of Certified Survey Map No. 754; part of Outlot 1 of Certified Survey Map No. 4216; part of Parcel 4 of Certified Survey Map No. 1332 and lands all being in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast $\frac{1}{4}$ of Section 5; thence N $00^{\circ}18'37''$ E along the West line of said section, 666.00 feet to the point of beginning of the lands to be described; thence N $88^{\circ}44'35''$ W, 654.26 feet to a point on the Easterly line of the Wisconsin Central Limited Railroad Company right-of-way; thence N $04^{\circ}44'49''$ W along said Easterly line, 666.71 feet to a point; thence S $88^{\circ}40'29''$ E, 556.39 feet to a point on the Westerly right-of-way line of South 6th Street; thence Southeasterly 308.91 feet along said Westerly line and the arc of a curve whose center lies to the Northeast, whose radius is 869.00 feet and whose chord bears S $7^{\circ}49'46''$ E, 307.29 feet to a point; thence S $28^{\circ}00'47''$ E along said Westerly line, 137.37 feet to a point; thence Southeasterly 176.53 feet along said Westerly line and the arc of a curve whose center is to the Southwest, whose radius is 705.00 feet and whose chord bears S $20^{\circ}50'21''$, 176.07 feet to a point; thence Southeasterly 67.39 feet along said Westerly line and the arc of a curve whose center is to the Northeast, whose radius is 240.00 feet and whose chord bears S $21^{\circ}42'46''$ E, 67.17 feet to a point; thence Southeasterly 80.61 feet along said Westerly line and the arc of a curve whose center is to the Northeast, whose radius is 213.71 feet and whose chord bears S $53^{\circ}58'25''$ E, 80.13 feet to a point; thence N $82^{\circ}04'19''$ W, 159.38 feet to the point of beginning. Said lands containing 430,641 square feet (9.89 acres).

WHEREAS, Nick and Ashley Timber d/b/a City 13, on behalf of the owner of the Properties, URSA Oak Creek, LLC, is requesting that of the Ordinance be amended to allow an indoor commercial recreation facility (escape room); and

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the requested amendment be approved; and

WHEREAS, a public hearing was held on this matter on October 17, 2017 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, Section 10D of the conditions and restrictions approved by the Ordinance affecting the Property is amended to allow an indoor commercial recreation facility (escape room).

SECTION 2: Section 3A of the conditions and restrictions is amended to read "Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code and all plans approved by the Plan Commission."

SECTION 3: Section 10B of the conditions and restrictions is amended to read "Outdoor storage of vehicles, and equipment used in the operation of the business (URSA only).

SECTION 4: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 5: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 6: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 7: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

**City of Oak Creek – Conditional Use Permit
AMENDED Conditions and Restrictions**

Applicant: Nick & Ashley Timber, City 13
(URSA Oak Creek, LLC – landowner)

Approved by Plan Commission: TBD

Property Address: 6925 S. 6th St.

Approved by Common Council: TBD

Tax Key Number: 735-9045-000

(Ord. TBD, Amending Ords. 2777, 2692 & 2493)

Conditional Uses: Outdoor storage of vehicles and equipment;
automobile and truck engine and body repair;
indoor commercial recreation facility

1. LEGAL DESCRIPTION

Lot 1, Certified Survey Map No. 8100, being a division of a part of Certified Survey Map No. 754; part of Outlot 1 of Certified Survey Map No. 4216; part of Parcel 4 of Certified Survey Map No. 1332 and lands all being in the Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Southeast ¼ of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of Section 5; thence N 00°18'37" E along the West line of said section, 666.00 feet to the point of beginning of the lands to be described; thence N 88°44'35" W, 654.26 feet to a point on the Easterly line of the Wisconsin Central Limited Railroad Company right-of-way; thence N 04°44'49" W along said Easterly line, 666.71 feet to a point; thence S 88°40'29" E, 556.39 feet to a point on the Westerly right-of-way line of South 6th Street; thence Southeasterly 308.91 feet along said Westerly line and the arc of a curve whose center lies to the Northeast, whose radius is 869.00 feet and whose chord bears S 7°49'46" E, 307.29 feet to a point; thence S 28°00'47" E along said Westerly line, 137.37 feet to a point; thence Southeasterly 176.53 feet along said Westerly line and the arc of a curve whose center is to the Southwest, whose radius is 705.00 feet and whose chord bears S 20°50'21", 176.07 feet to a point; thence Southeasterly 67.39 feet along said Westerly line and the arc of a curve whose center is to the Northeast, whose radius is 240.00 feet and whose chord bears S 21°42'46" E, 67.17 feet to a point; thence Southeasterly 80.61 feet along said Westerly line and the arc of a curve whose center is to the Northeast, whose radius is 213.71 feet and whose chord bears S 53°58'25" E, 80.13 feet to a point; thence N 82°04'19" W, 159.38 feet to the point of beginning. Said lands containing 430,641 square feet (9.89 acres).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. A precise detailed site plan for the area affected by the conditional use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building locations with setbacks
- b) Square footage of building
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) location
 - ii) number of employees
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks

2) **Landscape Plan**

- a) Screening plan for outdoor storage
- b) Number, initial size and type of plantings
- c) Parking lot screening/berming

3) **Building Plan**

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) **Lighting Plan**

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

- h) Location of loading berths
 - i) Location of sanitary sewer (existing & proposed)
 - j) Location of water (existing & proposed)
 - k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
 - l) Precise location and extent of outdoor storage
 - m) Location of wetlands (field verified)
 - n) Location, square footage and height of signs
 - o) A description of the vehicles, materials, and equipment to be stored at the site
- 5) **Grading, Drainage and Stormwater Management Plan**
 - a) Contours (existing & proposed)
 - b) Location of storm sewer (existing and proposed)
 - c) Location of stormwater management structures and basins
 - 6) **Fire Protection**
 - a) Location of existing and proposed fire hydrants (public and private)
 - b) Interior floor plan
 - c) Materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- E. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code **and all plans approved by the Plan Commission.**
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All new off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base or crushed recycled asphalt, subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. Existing recycled asphalt parking - storage areas may remain, provided that any expansion or alteration of those parking areas must be consistent with any deed restrictions that may affect the property.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.

- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code.
- G. All off street parking areas shall be landscaped in accordance with Sections 17.0330 & 17.0403 of the Municipal Code.

4. LIGHTING

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

5. LANDSCAPING

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

- 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
- 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
- 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

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

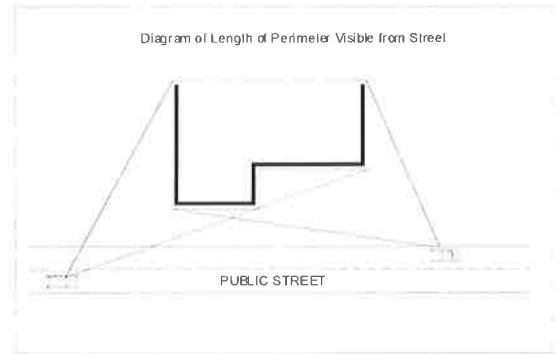
* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

- 4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping.
- C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.

- D. Landscaping Adjacent to Buildings. There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Outdoor Storage – Outdoor storage shall not be located within the front or side yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- H. Screening of Roof Mounted Mechanical Equipment. Roof mounted mechanical equipment shall be screened from casual view.
- I. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete.
- J. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- K. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code.
- L. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
 - 1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 - 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 - 3. The location and percent of slope of all proposed berms using one (1) foot contours.
 - 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 - 5. Methods used in staking, mulching, wrapping or any other early tree care used.
 - 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMUs). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.
- C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.



7. BUILDING AND PARKING SETBACKS

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

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. Outdoor storage shall be limited to URSA Logistics & TEG Properties, LLC vehicles, equipment and supplies. Should a portion of the property be sold or leased, URSA Logistics & TEG Properties, LLC will be required to come before the Plan Commission for approval of the use on that portion of the property.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code. All signs must be approved by the Plan Commission as part of the site plan review process.

10. PERMITTED USES

- A. All permitted uses in the M-1, Manufacturing zoning district.
- B. Outdoor storage of vehicles, and equipment used in the operation of the business **(URSA only)**.
- C. One (1) Automobile and truck engine and body repair business.
- D. One (1) indoor commercial recreation facility.**
- E. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions for the conditional use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit. This conditional use approval shall expire within twelve (12) months after the date of adoption of the ordinance if an occupancy permit has not been issued for this use. The applicant shall re-apply for a conditional use approval, prior to recommencing work or construction.

12. OTHER REGULATIONS

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

13. REVOCATION

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

14. 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)

EXHIBIT A: EXISTING SITE PLAN

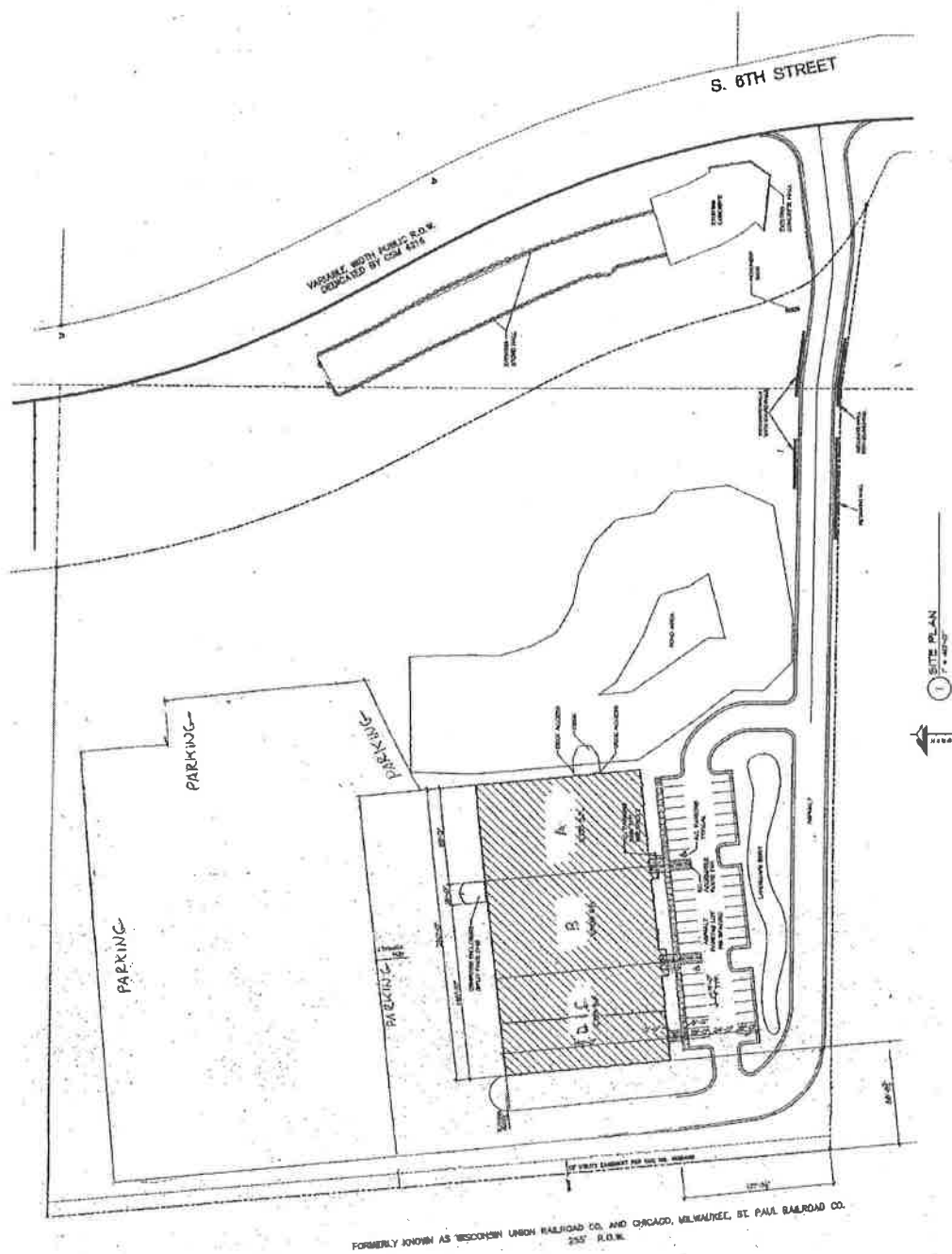
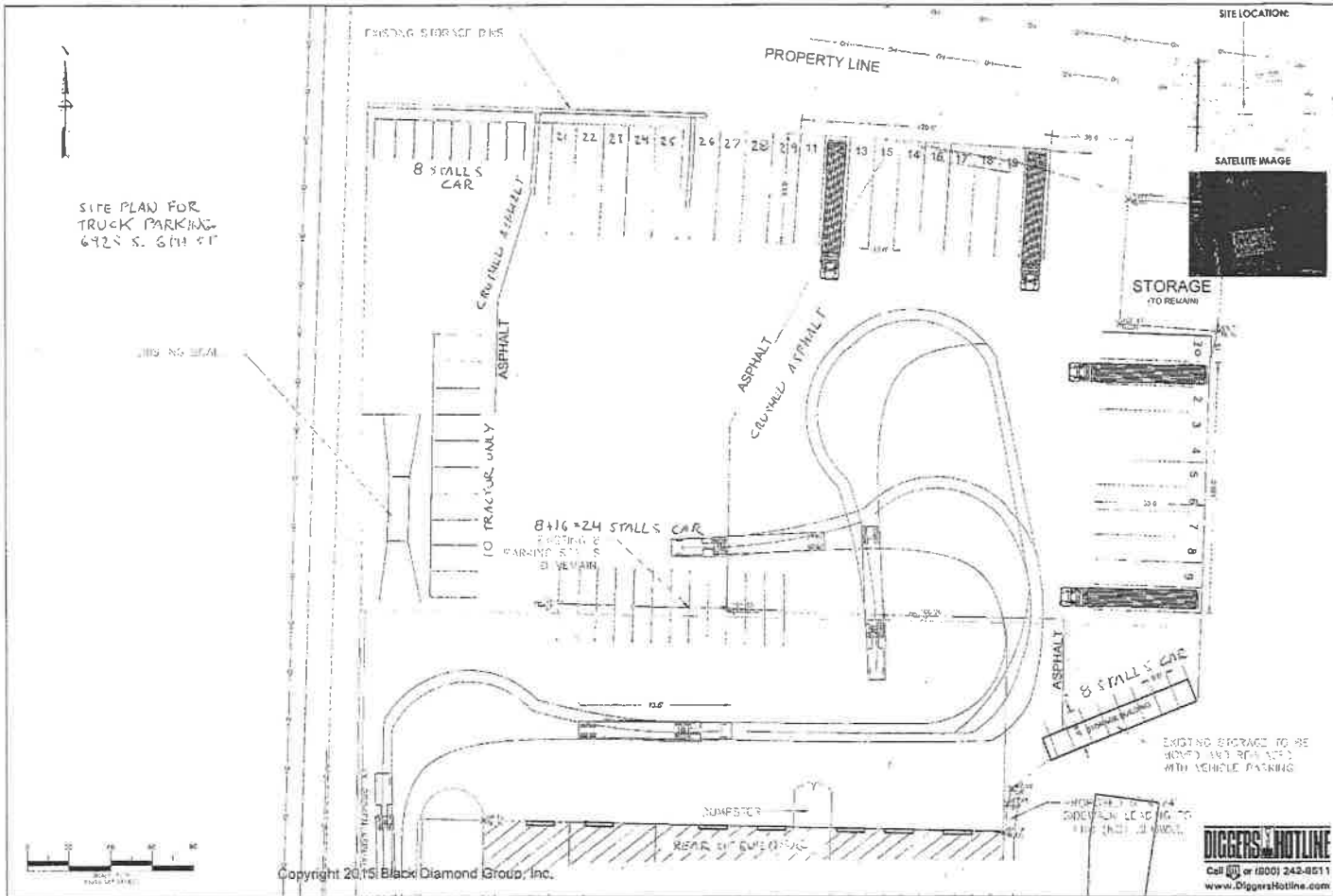


EXHIBIT B: EXISTING SITE PLAN FOR TRUCK PARKING

EXHIBIT C: SEPTEMBER 25, 2015 SITE SURVEY



City 13 Escape Room

Description of Proposal for 6925 S. 6th St. Suite 500, Oak Creek, WI 53154

Reality Check LLC is looking to lease Suite 500 of the existing multi-tenant building at 6925 S. 6th Street to open an escape room called City 13. City 13 will be an exciting new activity for the area consisting of four different city-themed escape rooms and a party area. Escape rooms consist of customers, usually 2-8 people, using clues and elements within a specific area to solve puzzles/riddles and escape within a set time limit, typically 60 minutes. These rooms each have a unique theme to follow, which customers are allowed to choose upon booking. Escape rooms are very popular to corporations for the purpose of team building, as customers have to work together to advance through the puzzles. Other customers can include: groups of friends, families, birthday parties, or date night couples. Customers schedule ahead of time for a specific time slot and room, and arrive shortly before their game and leave shortly thereafter. With the leased area being 5,764 SF, half of the facility would be used for the escape rooms and the other half would be used for a waiting area/party room. A wall that is already in place inside the facility divides the area into 2 sections. The back section, 3,304 SF, would be used for the escape rooms and the front section, 2,460SF would be used for the party/waiting area. This option is ideal for our target market, corporate team building, because the teams can complete their escape room and then use the front half of the facility for private meetings.

The concept of City 13 was founded by Nick and Ashley Timber after Nick spent the past few years creating and operating an escape room in Waukesha. With the closest escape room being over 20 minutes from the Oak Creek area, it was decided that Oak Creek would be an ideal location for this activity. Both Nick and Ashley have grown up in the Oak Creek area, and feel that City 13 would offer Oak Creek residents a new and fun outing in compliments with the city's growth.

With the leasing of this space, we do not expect any interior or exterior modifications to be completed. However, in the event that modifications are needed in the future, we will abide by all regulations of the City of Oak Creek. The planned escape rooms will be built using roofless, temporary partition walls for easy set-up and removal. We would only have two employees to start, who would be operating the rooms, assisting groups, and managing day to day operations of the facility. The location has 44 parking spaces and 2 handicap spaces directly in front of the building. The main offices of the current businesses do not have regularly scheduled hours after 5pm Monday-Friday or on the weekends. There are also additional parking spots behind the leased space by the overhang door for City 13 employees. If all four rooms were booked with the max amount of people per room, 8 customers, during business hours, we would have a total of 32 peak customers and 2 employees. For corporate team building and private events, we would have a maximum amount of 50 customers.

CITY OF OAK CREEK

AUG 10 2017

RECEIVED

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 12, 2017**

**CONDITIONAL USE PERMIT AMENDMENT
NICK AND ASHLEY TIMBER (CITY 13)
6925 S. 6TH ST.
TAX KEY NO. 735-9045-000**

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

Commissioner Dickmann stated he is pleased that the hours of operation will not result in parking congestion.

Commissioner Dickmann asked what the party area of the facility will be used for. Nick Timber, 9415 S. Kinney Lane, Oak Creek, WI responded that the space will be divided into two areas; a lobby area and a warehouse area in the back. The back area will be divided into the different escape rooms, and front area will be used for birthday parties or corporate events so that they can generate revenue.

Mayor Bukiewicz asked how many people typically go in a room at a time. Mr. Timber responded usually 8 to 12 people are in one of the escape rooms at a time. All exits will be clearly marked and there are no ceilings on the escape rooms. There will be 12-foot-high walls. The rooms will be 16 feet x 12 feet. They will be decorated according to a specific theme with props that involve the puzzles themselves.

Asst. Fire Chief Kressuk stated that he did meet with the applicant, and he feels he has an excellent grasp of the codes and requirements. He did talk about all the safety features he already referenced. The Fire Department is comfortable with their plan.

Commissioner Correll moved that the Plan Commission recommends that the Common Council approves an amendment to the existing Conditional Use Permit for an indoor commercial recreation facility ("escape room") within the existing multitenant building on the property at 6925 S. 6th St., after a public hearing and subject to conditions and restrictions. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9/26/17
Date

TO BE PUBLISHED SEPTEMBER 27 & OCTOBER 4, 2017

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request submitted by the Oak Creek Water and Sewer Utility for a Conditional Use Permit for water treatment facility water storage and high service distribution pump facilities on the properties located at 9175, 9235, & 9325 S. 5th Ave. and 3953 & 3975 E. American Ave.

Hearing Date: Tuesday, October 17, 2017
Time: 7:00 p.m.
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Oak Creek Water and Sewer Utility
Property Owner: City of Oak Creek
Property Locations: 9175, 9235, & 9325 S. 5th Ave. and 3953 & 3975 E. American Ave.
Tax Key(s): 869-9997-001, 869-9006-000, 869-9995-004, 869-9995-003, 869-9998-003

Legal Description:

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

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

9325 S. 5th Ave.: COM 1004.18 FT S OF NE COR OF SE1/4 SEC 23-5-22 TH W 519.63 FT TO E ROW LI OF C&NW RR TH SLY ALG SD E ROW LI TO S1/4 SEC LI E TO SE COR OF SD 1/4 SEC TH N ON E1/4 SEC LI TO BEG., EXC THE S 189.75 FT THEREOF & EXC PART FOR AVE. CONT. 13.400 ACS.

3953 E. American Ave.: COM 566.50 FT S & 222.75 FT W OF NE COR SE1/4 SEC 23-5-22 TH S 155.25 FT W 81 FT N 155.25 FT TH E 81 FT TO BEG. CONT. 0.288 ACS.

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

The Common Council has scheduled other public hearings for October 17, 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: September 20, 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 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 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6th St., Oak Creek, WI 53154.

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 11

Recommendation: That the Council adopts Ordinance 2870, an ordinance to approve a Conditional Use Permit for water treatment facility water storage and high service distribution pump facilities on the properties at 9175, 9235, & 9325 S. 5th Ave., and 3953 & 3975 E. American Ave.

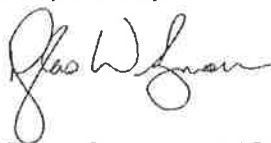
Background: The Oak Creek Water and Sewer Utility is requesting recommendation of Conditional Use approval for water treatment facility water storage and high service distribution pump facilities on the properties at 9175, 9235, & 9325 S. 5th Ave., and 3953 & 3975 E. American Ave. Council will recall that a Conditional Use Permit was reviewed and approved in 2015, with an amendment in 2016. As was mentioned in the staff report for the CSM, a delay with the project led to the expiration of the previously-approved Conditional Use Permit.

Included with this report is a narrative describing the project. Upgrades to the facility are needed to replace the existing chlorine contact tank, which does not meet the current Wisconsin DNR codes. A deadline of December 2020 has been imposed to replace the tank. Construction is anticipated to begin in February of 2018 in order to meet the December 2020 deadline.

The Plan Commission has reviewed the proposed Conditional Use Permit, and has recommended its approval subject to the attached Conditions and Restrictions.

Fiscal Impact: This proposed Conditional Use Permit would allow for the required upgrades to the Oak Creek Water and Sewer Utility on the properties. No direct fiscal impact is anticipated with this approval as all properties were acquired by the City prior to this review. These properties are 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. 2870

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR WATER TREATMENT FACILITY WATER STORAGE AND HIGH SERVICE DISTRIBUTION PUMP FACILITIES ON THE PROPERTIES AT 9175, 9235, & 9325 S. 5TH AVE., AND 3953 & 3975 E. AMERICAN AVE.

(4th Aldermanic District)

WHEREAS, THE OAK CREEK WATER AND SEWER UTILITY, has applied for a Conditional Use Permit that would allow water treatment facility water storage and high service distribution pump facilities on the properties at 9175, 9235, & 9325 S. 5th Ave., and 3953 & 3975 E. American Ave.; and

WHEREAS, the properties are more precisely described as follows:

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

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

9325 S. 5th Ave.: COM 1004.18 FT S OF NE COR OF SE1/4 SEC 23-5-22 TH W 519.63 FT TO E ROW LI OF C&NW RR TH SLY ALG SD E ROW LI TO S1/4 SEC LI E TO SE COR OF SD 1/4 SEC TH N ON E1/4 SEC LI TO BEG., EXC THE S 189.75 FT THEREOF & EXC PART FOR AVE. CONT. 13.400 ACS.

3953 E. American Ave.: COM 566.50 FT S & 222.75 FT W OF NE COR SE1/4 SEC 23-5-22 TH S 155.25 FT W 81 FT N 155.25 FT TH E 81 FT TO BEG. CONT. 0.288 ACS.

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

WHEREAS, the Plan Commission 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 October 17, 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 water treatment facility water storage and high service distribution pump facilities on the properties located at 9175, 9235, & 9325 S. 5th Ave. and 3953 & 3975 E. American 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 water treatment facility water storage and high service distribution pump facilities.

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 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Oak Creek Water & Sewer Utility

Approved by Plan Commission: TBD

Property Addresses: 9175, 9235, 9325 S. 5th Ave.,
3953 & 3975 E. American Ave.

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

Tax Key Numbers: 869-9006-000, 869-9995-004,
869-9995-003, 869-9997-001, 869-9998-003

Conditional Use: **Water treatment facility water storage and high service distribution pump facilities**

1. LEGAL DESCRIPTION

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

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

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2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are 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 building/structure/equipment location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location
 - ii) Number of employees
 - iii) Number of surface spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) 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)

- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates
- 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) Interior floor plan(s)
 - c) Materials of construction

- B. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping 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, additions, structures, and site modifications, 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 new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Per Section 17.0601, district height limitations may be exceeded for essential services, utilities, and water towers.
- B. Solid waste collection and recycling shall be the responsibility of the owner
- C. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be in accordance with Sections 17.0403 & 17.0404 of the Municipal Code.

5. LIGHTING

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

6. SETBACKS

	Front and Street Setback	Rear (East) Setback	Side (South) Setback
Principal Structure	30 ft	15 ft	15 ft
Accessory Structure*	30 ft	15 ft	15 ft
Parking**	15 ft	15 ft	15 ft

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

**Parking lots and driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards per Section

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these conditions and restrictions for the Conditional Use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. 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.

9. 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.

10. REVOCAATION

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

11. 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.

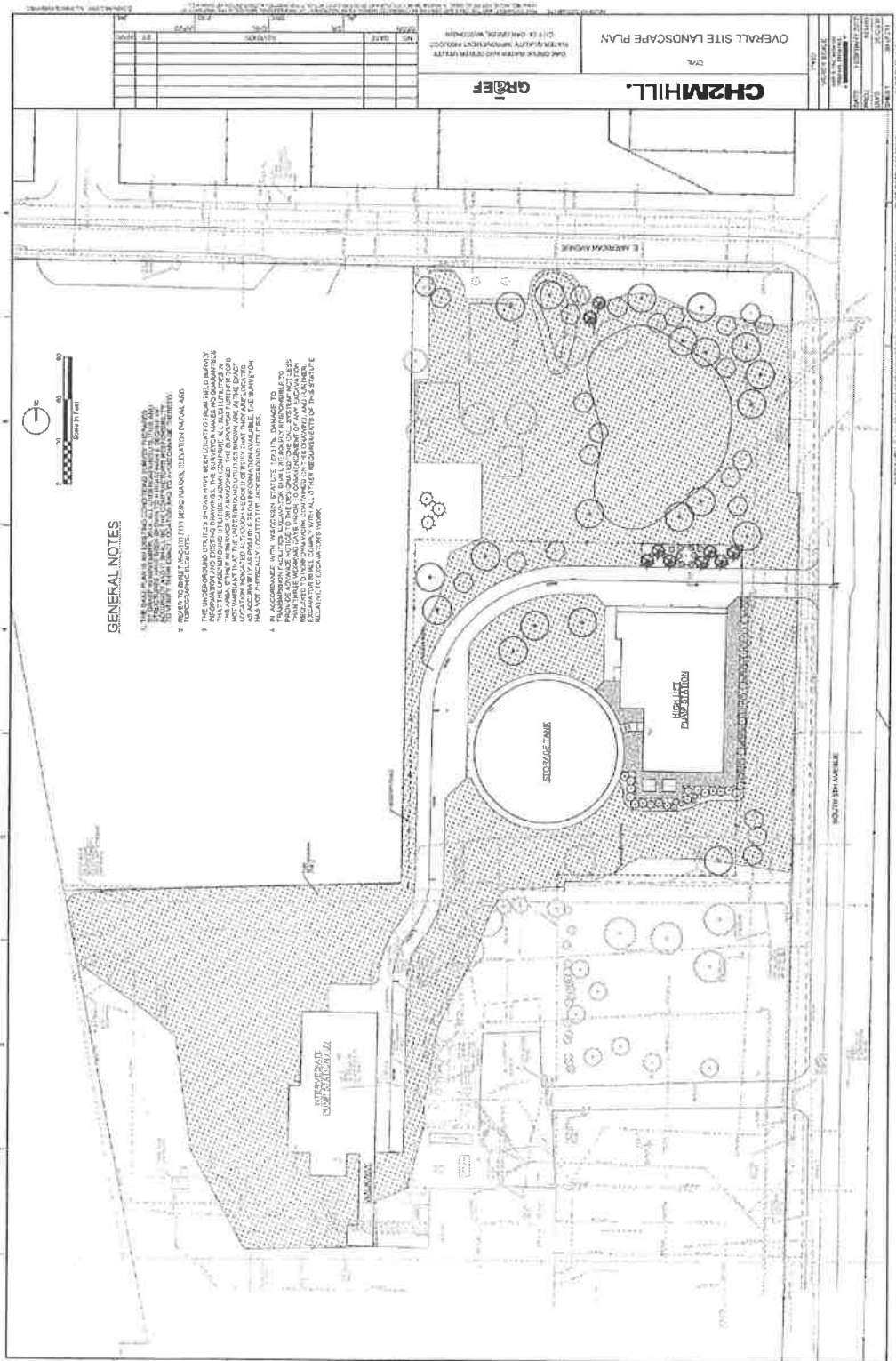
Owner / Authorized Representative Signature

Date

(please print name)

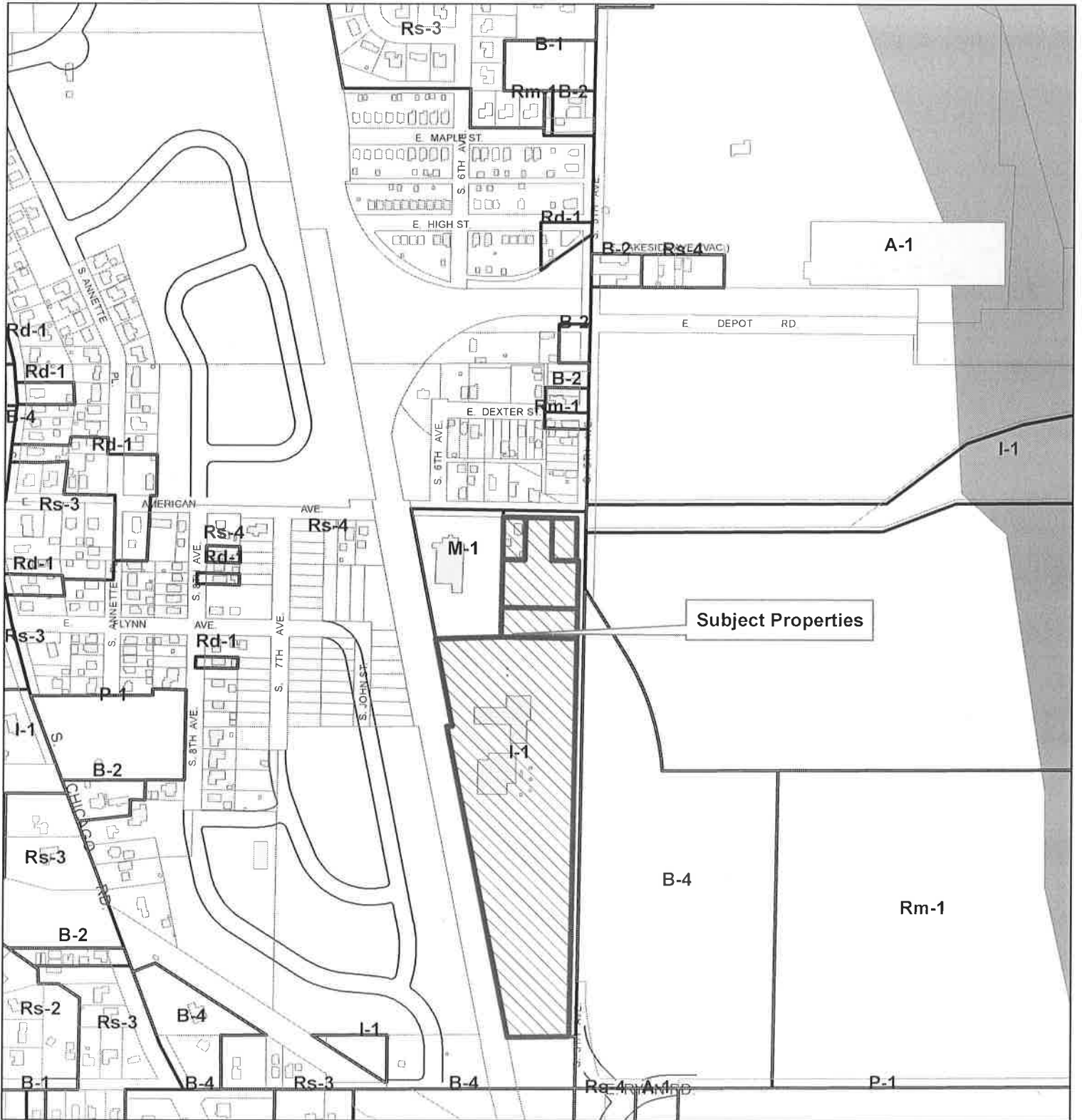
EXHIBIT A: CONCEPT SITE PLAN

(for illustrative purposes only – detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission)

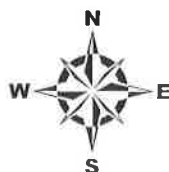


Location Map

9325, 9235, 9175 S. 5th Ave & 3953 E. American Ave



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



Legend	
	9325 S. 5TH AVE
	9235 S. 5TH AVE
	9175 S. 5TH AVE
	3953 E. AMERICAN AVE
	FF-Flood Fringe
	Lakefront Overlay
	HO Mixed Use Neighborhood
	CO Mixed Use Office
	RR-Regional Retail
Zoning Overlays	
	C-1 Shoreland Wetland

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 26, 2017**

CONDITIONAL USE PERMIT

OAK CREEK WATER AND SEWER UTILITY

9175, 9235 & 9325 S. 5TH AVE. AND 3953 & 3975 E. AMERICAN AVE.

TAX KEY NOS. 869-9006-000, 869-9995-004, 869-9995-003, 869-9997-001, 869-9998-003

Planner Papelbon provided an overview of the request for water treatment facility water storage and high service distribution pump facilities (see staff report for details.)

Ron Pritzlaff, Oak Creek Water and Sewer Utility, gave a presentation of the proposed water treatment facility water storage and high service distribution pump facilities.

Commissioner Dickmann asked if further expansion for water services is extended to other communities, such as Waukesha, if this facility will need to be expanded as well. Mr. Pritzlaff responded that the demand projection they have put together includes Waukesha. The project they are proposing will handle their current demands out to 20 years as well as Waukesha. There would have to be some expansion should any other community wish to receive Oak Creek water.

Commissioner Johnston moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for water storage and high service distribution pump facilities on the properties at 9175, 9235, & 9325 S. 5th Ave., and 3953 & 3975 E. American Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (October 10, 2017). Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Siefert, who abstained. Motion carried.

ATTEST:

Douglas Seymour, Plan Commission Secretary

9/28/17
Date

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 12

Recommendation: That the Council authorize staff to take preliminary steps to create a tax increment financing district for the properties at 610 W. Rawson Avenue as well as 7001 and 7045 S. 6th Street.

Background: HSA Acquisitions, Inc. is requesting Common Council authorization to take the preliminary steps necessary for the formation of a tax incremental financing district. The District, as proposed, encompasses approximately 10.4 acres of property at the northwest corner of South 6th Street and West Rawson Avenue. The 2017 base value of the District is \$639,600.

The proposed would allow for the remediation and redevelopment of blighted (although not officially designated as such) properties along a major arterial (Rawson Avenue). As proposed, the concept for the remediated site would include approximately 180,000 square feet of industrial building with an estimated assessed value in excess of \$10 million dollars.

Staff will continue to work with the applicants to provide greater clarity on the parameters of the deal as part of a term sheet that will include the project costs and required District contribution as well as the necessary financial guarantees.

Should the Council authorize staff to proceed, we will formally begin the process of creating this TIF district, including the negotiation of a financial term sheet and project guarantees, the preparation of a project plan and the scheduling of a joint review board (JRB). The Council would be kept apprised of the progress of the TIF district as staff, including our financial and legal consulting team works on agreements to create and implement the project plan.


In order to achieve the goals of the City's strategic plan with respect to thoughtful development and a prosperous economy, it is critical that the City maintain an inventory of 'shovel-ready' sites available to accommodate deals within the marketplace. Continued activity and absorption of space at the City's existing business parks suggests that it would be prudent to examine opportunities to maintain that inventory. This proposal, while one of several that the City is considering at the moment, addresses that need and further enhances the community by redeveloping a blighted brownfield property into a business (or businesses) that create jobs and long term value with minimal additional demands on City services.

Fiscal Impact: The costs incurred in the planning of a TIF district are eligible to be reimbursed as part of the district. A pre planning expense agreement is in place to account for initial review costs. The additional investment made possible by the creation of this TIF district will ultimately have a positive fiscal impact on the City, and all of the taxing jurisdictions.

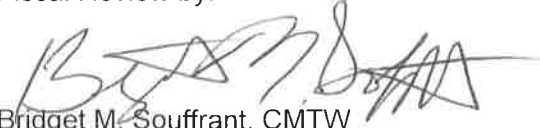
Prepared by:


Doug Seymour, AICP
Director of Community Development

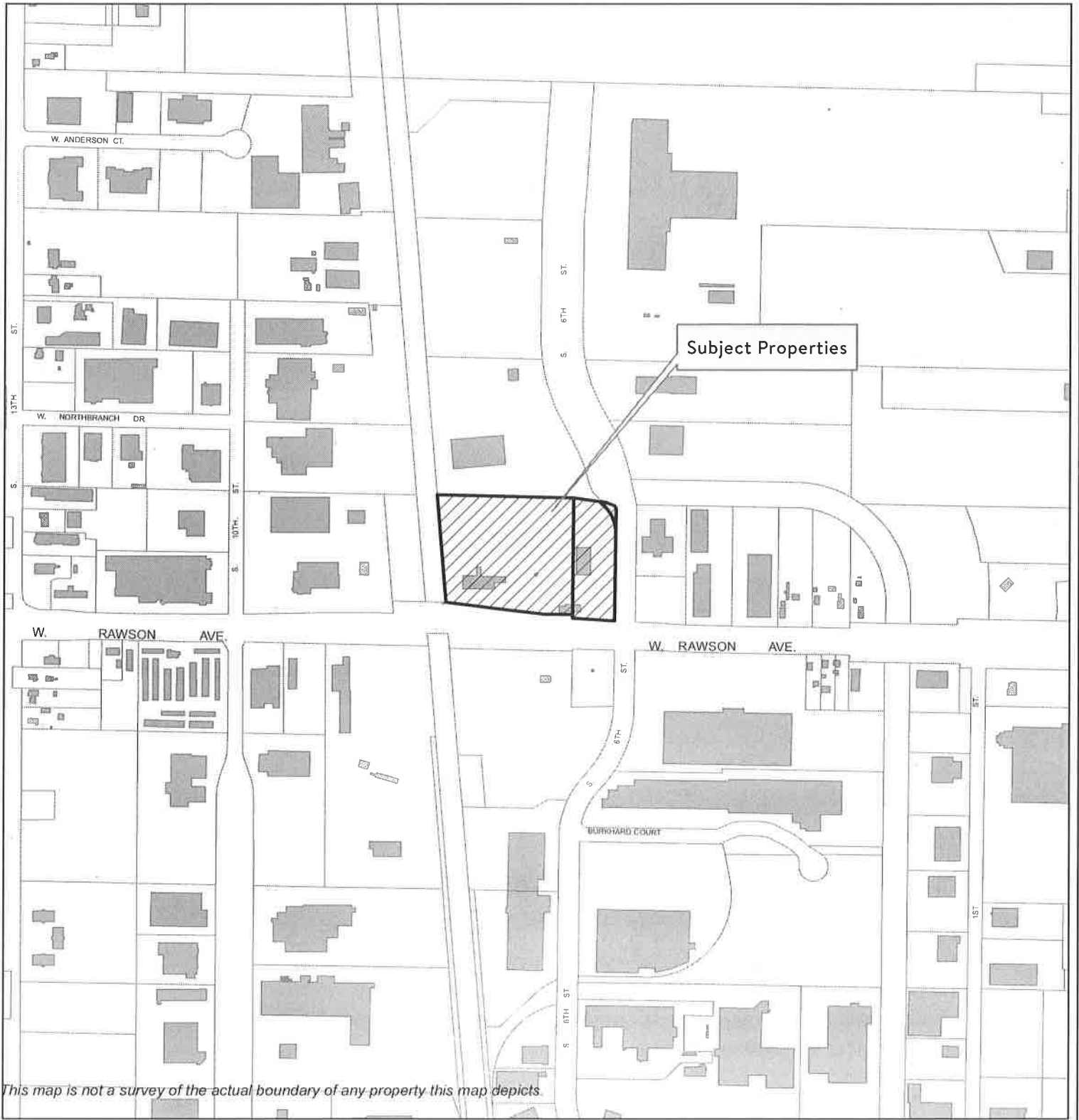
Respectfully Submitted,


Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director / Comptroller

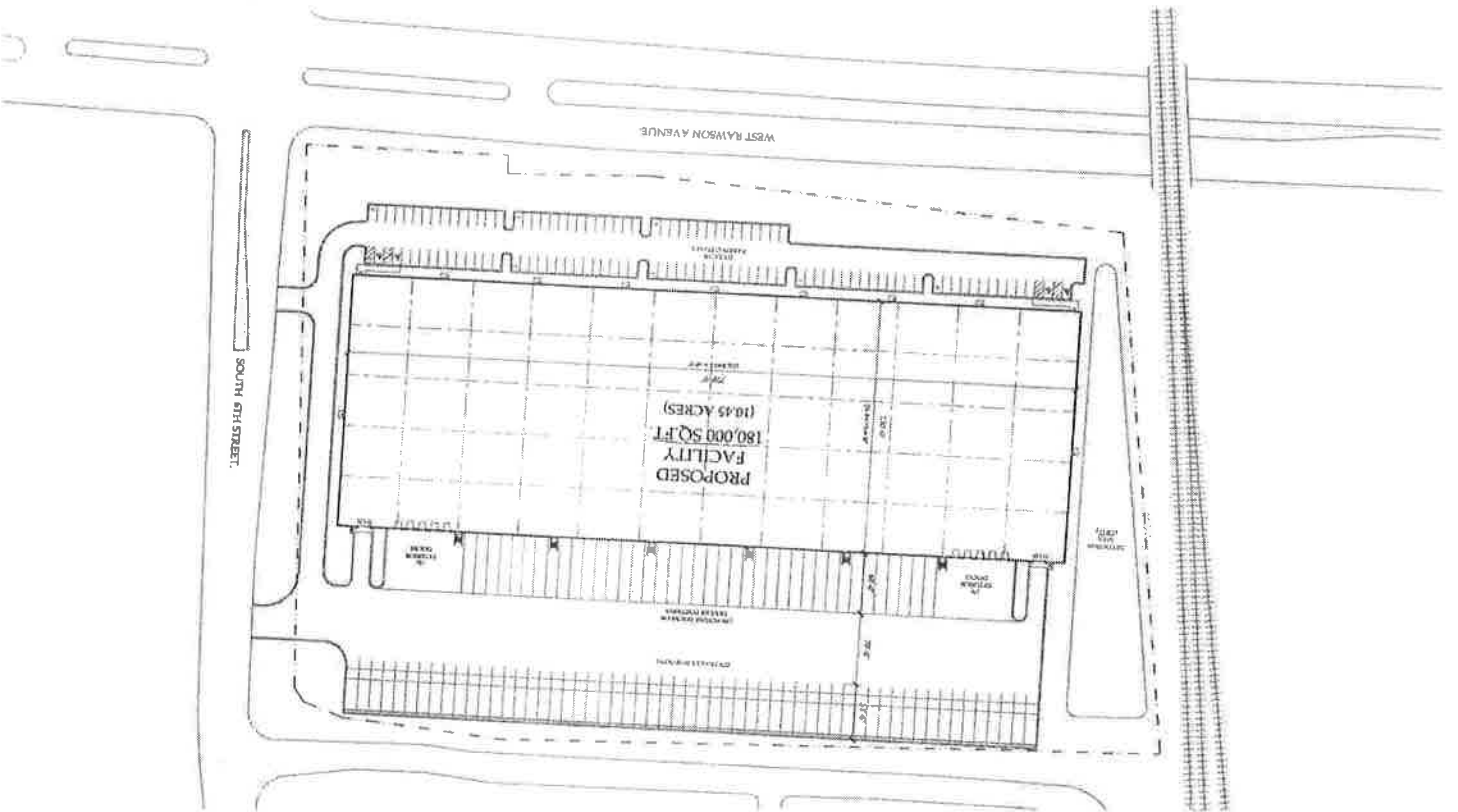
Location Map
610 W Rawson Avenue
7001 S. 6th Street
7045 S. 6th Street



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



CONCEPT ONLY



PROPOSED FACILITY

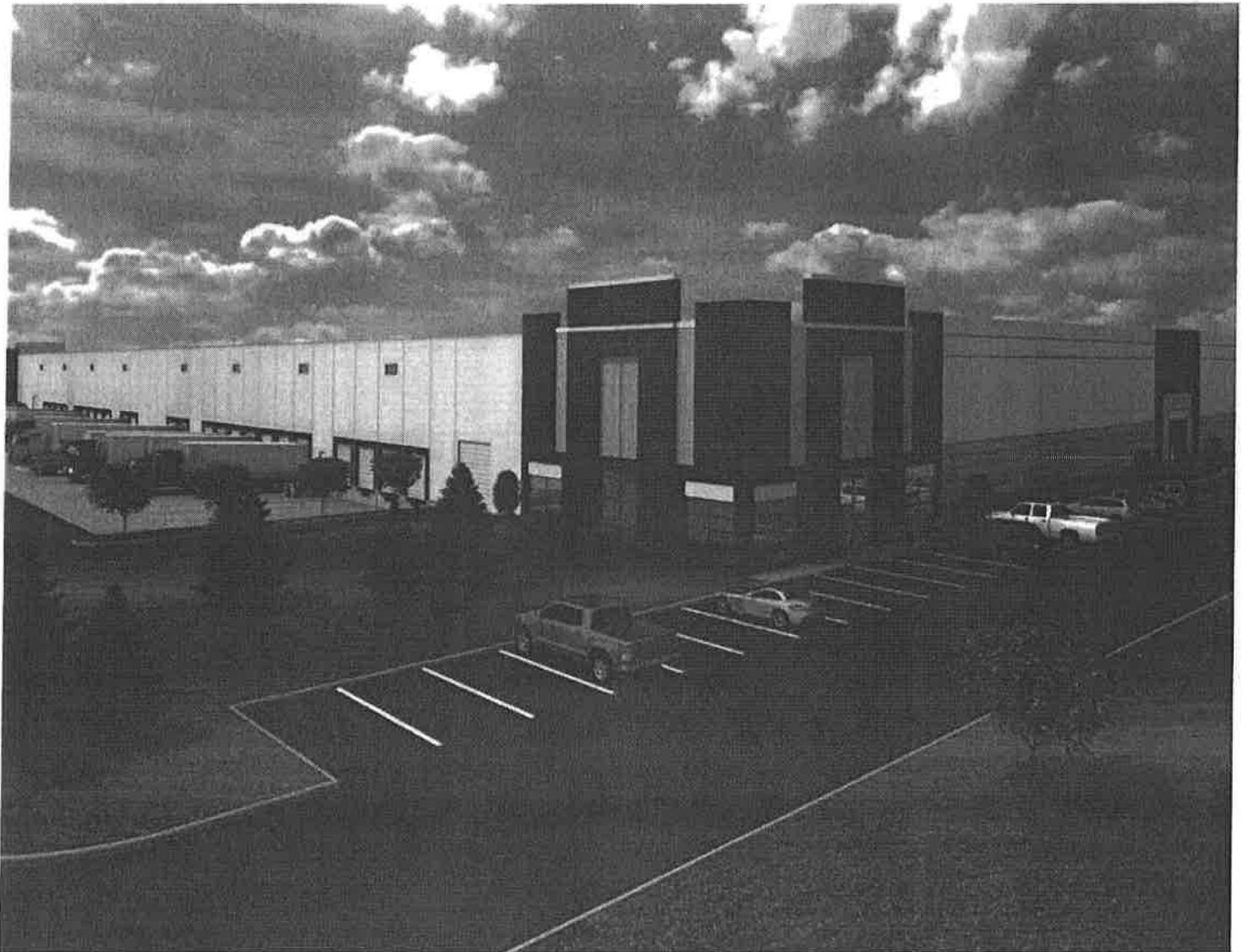
610 WEST RAWSON AVENUE (7100 SOUTH 6TH STREET) - OAK CREEK, WISCONSIN

PREMIER DESIGN & BUILDING

JUNE 1, 2016 #16122

Cornerstone Architects Ltd.
CORNERSTONE ARCHITECTS LTD. 2016

CONCEPT ONLY



City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 13

Recommendation: That the Council authorize staff to take preliminary steps to create a tax increment financing district for the properties at 330, 400, 410 and 500 W. Drexel Avenue.

Background: ICAP Development is requesting Common Council authorization to take the preliminary steps necessary for the formation of a tax incremental financing district. The District, as proposed, encompasses approximately 5.9 acres at the northeast corner of South 6th Street and West Drexel Avenue, immediately to the north of Drexel Town Square (TID 11). It is not clear at this time whether this would be a new district or a boundary amendment to TID 11. Both options will be evaluated. The 2017 base value of the District is \$1,813,300.

Within the boundaries of the proposed district is a mix of existing businesses, including self-storage, the former facility for Metalspun, Roth Heating as well as various tenants on the Roth site. The proposed redevelopment of these properties would create over 28,000 square feet of additional retail (not including the Roth properties).

The developer has cited the following reasons (from the TIF application) for requesting that these properties be included in a tax incremental district:

The current condition of these properties creates many hurdles for redevelopment, including:

1. Each property is currently occupied by an on-going business which must be relocated or purchased with the real estate.
2. Older buildings on site contain environmental hazards which increase cost of demolition.
3. Several environmental contaminants have been identified on the property and must be remediated prior to redevelopment.
4. Costs related to site utilities and grading are above average for this property due to multiple parcels being combined for redevelopment

Staff will continue to work with the applicants to provide greater clarity on the parameters of the deal, the project costs and required District contribution as well as the necessary financial guarantees.

Should the Council authorize staff to proceed, we will formally begin the process of amending (or creating) this TIF district, including the negotiation of a financial term sheet and project guarantees, the preparation of a project plan and the scheduling of a joint review board (JRB). The Council would be kept apprised of the progress of the TIF district as staff, including our financial and legal consulting team works on agreements to create and implement the project plan.

The multiple ownership structure of sites adjacent to Drexel Town Square in this location, coupled with the incompatible uses, condition of the buildings and possible environmental contamination make this a challenging site to develop under market conditions. It is in the City's best interest to leverage its investment at Drexel Town Square to increase the redevelopment value of adjacent properties.

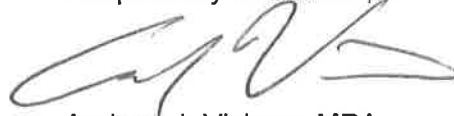
Fiscal Impact: The costs incurred in the planning of a TIF district are eligible to be reimbursed as part of the district. A pre planning expense agreement is in place to account for initial review costs. The additional investment made possible by the creation of this TIF district will ultimately have a positive fiscal impact on the City, and all of the taxing jurisdictions.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

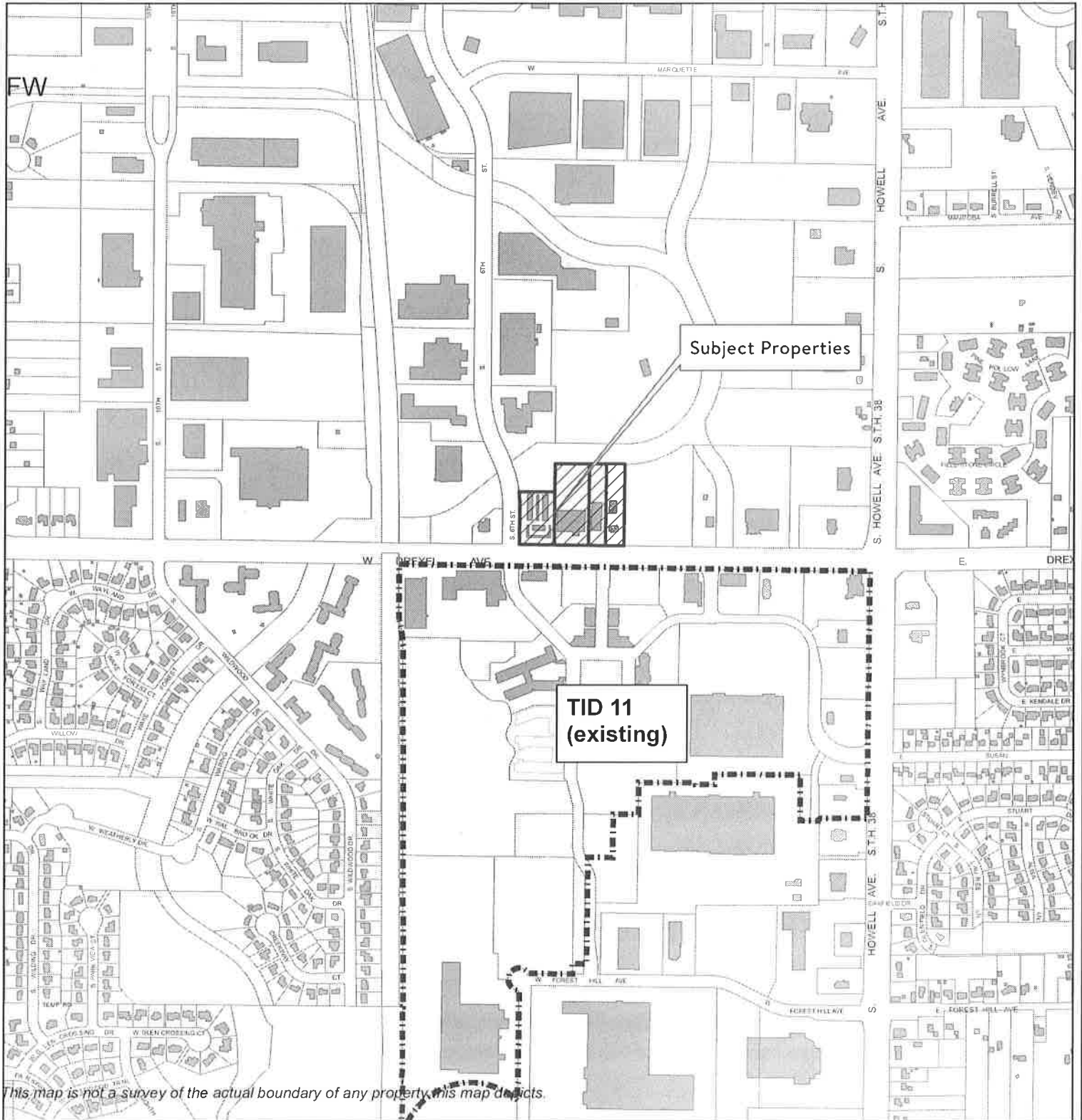
Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

Location Map

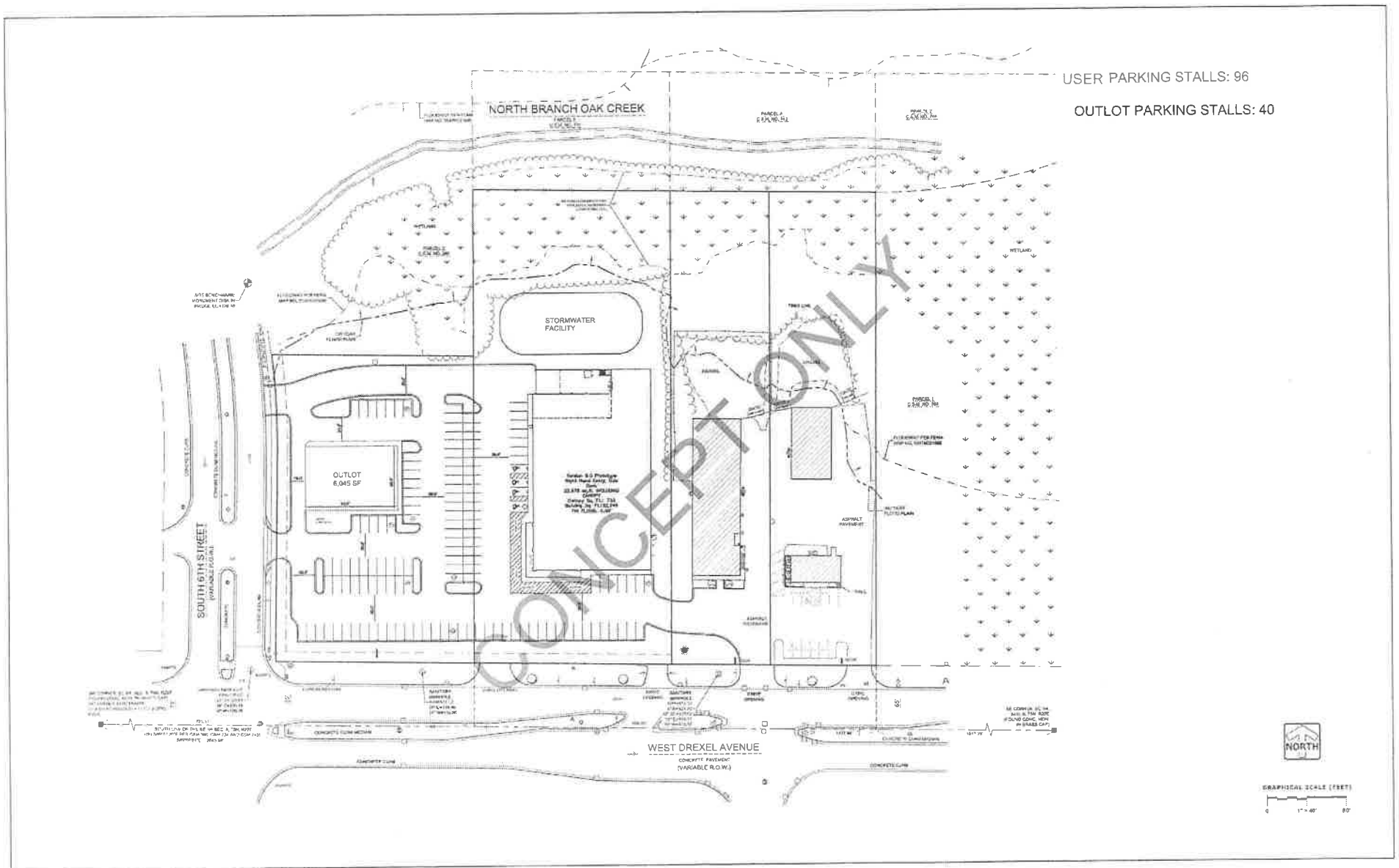
330, 400, 410 and 500 W. Drexel Avenue



N



OAKCREEK
WISCONSIN



- DREXEL AVE.



PINNACLE ENGINEERING GROUP

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005 | WWW.PINNACLE-ENGR.COM |

PLAN | DESIGN | DELIVER

PEGJOB# 985.00

07/31/17

**APPLICATION FOR A
TAX INCREMENTAL FINANCING DISTRICT
IN THE CITY OF OAK CREEK**

APPLICANT INFORMATION

Name Brian R. Adamson
Company ICAP Development
Street Address 833 E Michigan Street, Suite 540
City, State and Zip Code Milwaukee, WI 53202
Telephone Number 414-278-6873
E-mail Brian.Adamson@icap-dev.com

INFORMATION ABOUT SUPPORT FIRMS

Name of Attorney Rob Habich
Company Davis & Kuelthau S.C.
Street/Mailing Address 111 E. Kilbourn Avenue, Suite 1400
City, State and Zip Code Milwaukee, WI 53202
Telephone Number 414-225-1474 **Fax Number** 414-278-3674
Name of Accountant Shaun Geracie & Maggie Breunig
Company Baker Tilly
Street/Mailing Address 777 E Wisconsin Ave, 32nd Floor
City, State and Zip Code Milwaukee, WI 53202
Telephone Number 414-777-5564 **Fax Number** _____

PROPERTY INFORMATION ON TIF PARCELS

<u>Tax Key Numbers</u>	<u>Addresses</u>	<u>Acres</u>
7829018000	330 W Drexel Ave	1.172
7829017000	400 W Drexel Ave	1.095
7829014000	410 W Drexel Ave	2.19
7829003000	500 W Drexel Ave	1.459

Justification for Creating the TIF District

The parcels subject to this application are immediately adjacent to an existing TID. The Applicant is requesting that the boundaries of this existing TID be expanded to include the properties subject to this application.

The current condition of these properties creates many hurdles for redevelopment, including:

- Each property is currently occupied by an on-going business which must be relocated or purchased with the real estate.
- Older buildings on site contain environmental hazards which increase cost of demolition.
- Several environmental contaminants have been identified on the property and must be remediated prior to redevelopment.
- Costs related to site utilities and grading are above average for this property due to multiple parcels being combined for redevelopment.

What is the Proposed Absorption Rate of Development? (acres per year)

It is anticipated that the parcels known as 410 & 500 W Drexel Ave (3.6 acres) will be redeveloped in 2018 into two separate retail buildings. Parcels 330 & 400 W Drexel (2.2 acres) will be redeveloped at a future date to be determined by the current owner and market conditions.

<u>Estimate of Private Development Costs</u>	\$4,350,000*
<u>Estimate of Land Purchase Price</u>	\$3,465,000*
<u>Estimate of Developer-Funded Public Improvements</u>	\$ TBD
<u>Total Developer Cost</u>	\$7,815,000*
<u>Estimate of Proposed Public Improvements</u>	\$ TBD
<u>Estimate of Ultimate Development Value</u>	\$7,815,000*

*Projections relate to the redevelopment of 410 & 500 W Drexel Ave. ONLY.

Applicant's Status with Respect to Subject Properties

On April 4, 2017, purchase sale agreements for 410 W Drexel and 500 W Drexel were executed between the Applicant and current property owners. The applicant is currently completing the due diligence process and expects to assume ownership of these two parcels in early 2018.

The Applicant is cooperating with the current owner of 330 & 400 W Drexel Ave. in the submission of this application. Future development of these parcels is contemplated.

Will the Applicant Own the Private Development or Will the Parcels be Sold?

The Applicant is expected to retain ownership of the parcels known as 410 & 500 W Drexel Ave. The final ownership of 330 & 400 W Drexel Ave is not determined at this time.

Provide Examples of Similar Projects that the Applicant has been Involved in and in What Communities

- Wauwatosa, WI- Office building redevelopment for national retail tenant (2013)
- Freeport, IL- Redevelopment of 40,000 sq ft shopping center (2013)
- Mukwonago, WI - 3.7+/- acre redevelopment for national retail tenant (2014)
- Kenosha, WI - 2.5+/- acre development for national retail tenant (2016)
- Plover, WI- Build-to-suit redevelopment of former parking lot (2016)

- Dublin, OH- Redevelopment of 25,000 sq ft building for national tenant (2017)
- Rockford, IL- Redevelopment of restaurant building for national retail tenant (2017)



Signature of Applicant

10/5/2017
Date

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 14

Recommendation: That the Council authorize staff to take preliminary steps to create a tax increment financing district for the properties at 741 and 1001 W. Ryan Road as well as 9600, 9700 and 9900 S. 13th Street.

Background: Capstone Development, along with its partner General Capital Group is requesting Common Council authorization to take the preliminary steps necessary for the formation of a tax incremental financing district. The District, as proposed, encompasses approximately 137 acres of agricultural and County owned property (88.6 developable acres) south and west of the intersection of S. 13th Street (CTH V) and W. Ryan Road (STH 100). The 2017 base value of the District is \$104,200.

The proposed district includes the site of a proposed business park (Ryan Business Park). As proposed, the Ryan Business Park would provide for up to 1.1 million square feet of business park buildings with an estimated value of \$81 million dollars. Given that a portion of the proposed business park lies within property currently owned by Milwaukee County, a land exchange would need to occur. More details may be provided in the attached project narrative and by the applicant at the meeting.

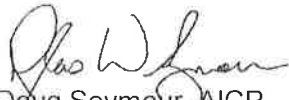
Staff will continue to work with the applicants to provide greater clarity on the parameters of the deal, including the County land exchange, the project costs and required District contribution as well as the necessary financial guarantees.

Should the Council authorize staff to proceed, we will formally begin the process of creating this TIF district, including the negotiation of a financial term sheet and project guarantees, the preparation of a project plan and the scheduling of a joint review board (JRB). The Council would be kept apprised of the progress of the TIF district as staff, including our financial and legal consulting team works on agreements to create and implement the project plan.

In order to achieve the goals of the City's strategic plan with respect to thoughtful development and a prosperous economy, it is critical that the City maintain an inventory of 'shovel-ready' sites available to accommodate deals within the marketplace. Continued activity and absorption of space at the City's existing business parks suggests that it would be prudent to examine opportunities to maintain that inventory. This proposal, while one of several that the City is considering at the moment, addresses that need in a location that will be very attractive to expanding and new businesses in the I-94 corridor south to Racine and Kenosha.

Fiscal Impact: The costs incurred in the planning of a TIF district are eligible to be reimbursed as part of the district. A pre planning expense agreement is in place to account for initial review costs. The additional investment made possible by the creation of this TIF district will ultimately have a positive fiscal impact on the City, and all of the taxing jurisdictions.

Prepared by:

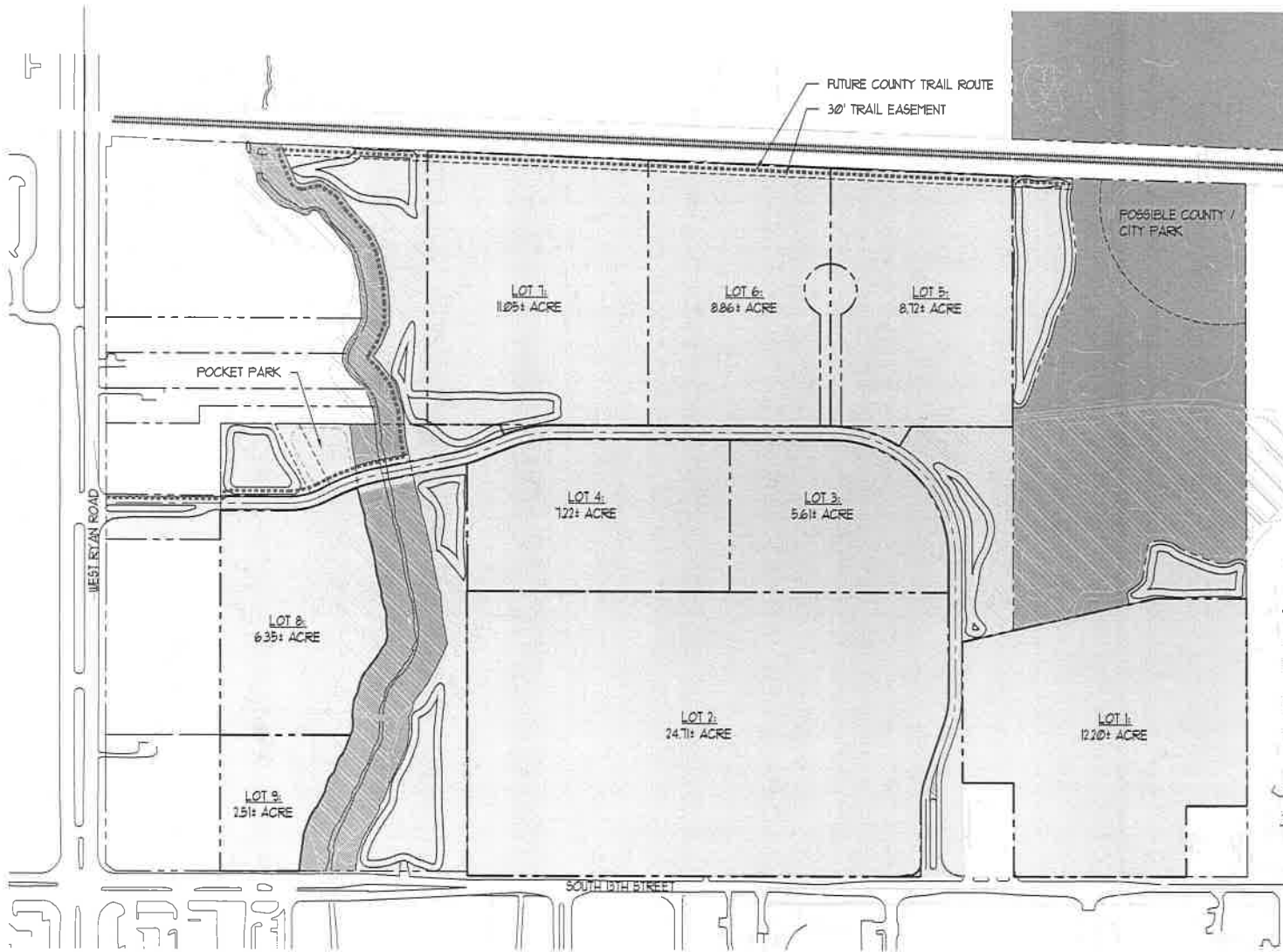

Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,


Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director / Comptroller



- TOTAL PARK AREA: 106.57± acre
- TOTAL DEVELOPABLE AREA: 87.23± acre
- LOT 1: 12.20± acre
- LOT 2: 24.71± acre
- LOT 3: 5.61± acre
- LOT 4: 7.22± acre
- LOT 5: 8.72± acre
- LOT 6: 8.86± acre
- LOT 7: 11.05± acre
- LOT 8: 6.35± acre
- LOT 9: 2.51± acre
- TOTAL COMMON AREA: 19.34± acre

SITE LAYOUT
1" = 300'-0"



RYAN BUSINESS PARK
Oak Creek, Wisconsin
PROPOSED SITE LAYOUT - DEVELOPABLE

2510 Lake Cook Road Suite 202
Northbrook, Illinois 60062
PH: (847) 940-0320 FAX: (847) 942-1105

Partners in Design
ARCHITECTS



PROJECT NO: 634.13.027
DRAWN BY: MDS CHECKED BY: UHB
DATE: 09.14.17
SHEET NO:

D503

CAPSTONE QUADRANGLE
GENERAL CAPITAL

CAPSTONE QUADRANGLE



Ryan Business Park: Overview Narrative

October 11, 2017

Introduction. Capstone Quadrangle is seeking authorization for the City of Oak Creek to commence work on a Tax Incremental District which will include the Ryan Business Park (as described below) and other approvals. Oak Creek has a positive reputation with the business community and the Ryan Business Park will help facilitate Oak Creek's continued economic development, expand a growing skilled workforce, and retain existing and attract new corporate business and jobs. Unfortunately, the expenditures (including infrastructure) to develop the Ryan Business Park are cost prohibitive from a market value perspective. Thus, the proposed Ryan Business Park cannot occur but for the use of Tax Incremental Financing (TIF) to close the funding gap.

Ryan Business Park (a working title) is conceived as an 85 acre Class A project in Oak Creek, Wisconsin focused primarily on industrial buildings with approximately 1,100,000 square feet of buildings and an ultimate market value of approximately \$81 million (not including retail facing Ryan Road). The lead developer, Capstone Quadrangle, and its Joint Venture partner, General Capital Group, have built a team that includes a highly qualified contractor, civil engineer and architect. Although the site requires rezoning, the project as proposed is consistent with the overall land use and zoning described in the Oak Creek Comprehensive Plan.

Physical Layout. The site consists of the majority of the land between 13th Street (County V) on the west, and the Canadian Pacific twin main line railroad on the east, running from Ryan Road on the north to a residential subdivision on the south. The Business Park design has one street, beginning at a main boulevard-type entrance on Ryan Road and running south, ultimately curving west to a secondary entrance at 13th Street. *See both Aerial and Site Plan, attached.*

Land Assembly. Control of the five pieces is complete except for a land swap with Milwaukee County. The Developer currently owns two of the five pieces, with two additional pieces under contract; most due diligence work has been completed on all four parcels. The fifth piece is a land swap ("Swap") with Milwaukee County to connect all the parcels (the county land is physically in the center). The County Swap transaction has been proposed and negotiated and is scheduled to be reviewed by the County Parks Committee and then the County Board for approval in December 2017.

Land Swap between Milwaukee County and Developer:

The County will receive the following land from the Developer:

- Main Offsite Parcel, about 42 acres;
- South Oak Wetlands, about 15.6 acres, which contains about 8 acres of upland suitable for a park;
- Koehler Swath, about 2 acres.

The Developer will receive the following land from the County:

- The County Conveyance, about 27 acres.
- A permanent easement for a route of a possible future walking/bike trail.

In addition, the County will contribute the upland portion of the South Oak Wetlands plus an additional parcel immediately south of the upland portion that the County already owns, the combination of which will serve as the

land upon which the City will design, construct and maintain a joint City/County Neighborhood Park. The concept anticipates a boardwalk/path link to the adjacent single family subdivision. The City will determine how much of the costs to create the improvements will be paid for by the TIF.

Necessity of Tax Incremental Financing. Total project costs, including all infrastructure, have been detailed in a proforma budget. Based on the budget, we have determined that total costs will exceed market land values for comparable quality business parks in the relevant market area. Accordingly, we are requesting a Tax Incremental District be created and a corresponding TIF to bridge the funding gap. TIF support for quality business parks is typical in southeastern Wisconsin. But for TIF, the Business Park cannot be developed.

Market Conditions. The Milwaukee metro industrial market, like much of the United States, has very low vacancy and the outlook for continued market demand is encouraging. We consider these market conditions favorable.

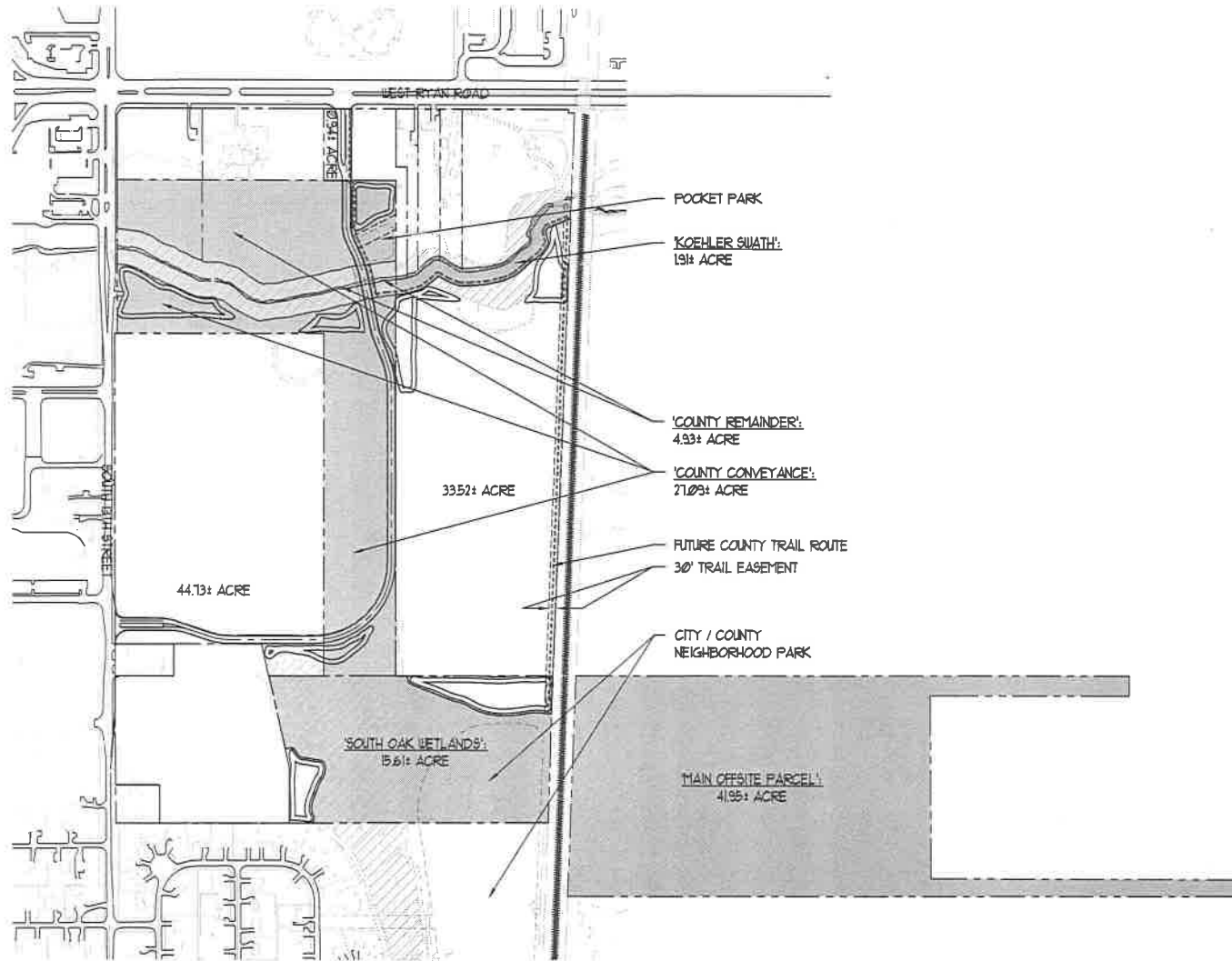
Timeline. A proposed park will not successfully compete in the market unless business users view it as “ready to go”. This requires all of the critical approvals to be accomplished in order to get the attention of the marketplace for most users. We have broken our timing into two simultaneous paths. The first timeline is the critical path necessary to establish the Park. The following major categories should be significantly accomplished by the end of December 2017:

1. Land swap with County approved by County Board (December 2017 Board meeting)
2. TIF including details/structure approved by City, ready for Joint Review Board.

The second set of approvals should be in place by approximately the end of March 2018:

- Final TIF approval (Joint Review Board)
- Rezone land (PUD and Covenants).
- Obtain approvals (City, WDNR, etc.) to bridge over Creek and minor disturbance (<10,000 SF) of wetlands.
- Obtain approvals (WDOT) for signalized main entrance/median cut on Ryan Road.

Following these approvals, we anticipate commencing construction of the Business Park in Spring or Summer 2018.



SITE LAYOUT
1" = 300'-0"



EXISTING COUNTY PROPERTY: 32.02± acre

■ COUNTY PROPERTY TO REMAIN WITH COUNTY : 4.93± acre

(+) ■ DEVELOPER LAND TO CONVEY TO COUNTY : 59.41± acre

(-) ■ COUNTY PROPERTY TO CONVEY TO DEVELOPER: 21.03± acre

FINAL COUNTY PROPERTY: 64.4± acre

SWAP RATIO: 22 TO 1

RYAN BUSINESS PARK
Oak Creek, Wisconsin
PROPOSED SITE LAYOUT

1810 Lake Cook Road
Suite 200
Riverwoods, Illinois 60015
PH: (847) 940-0300
FAX: (847) 940-1045

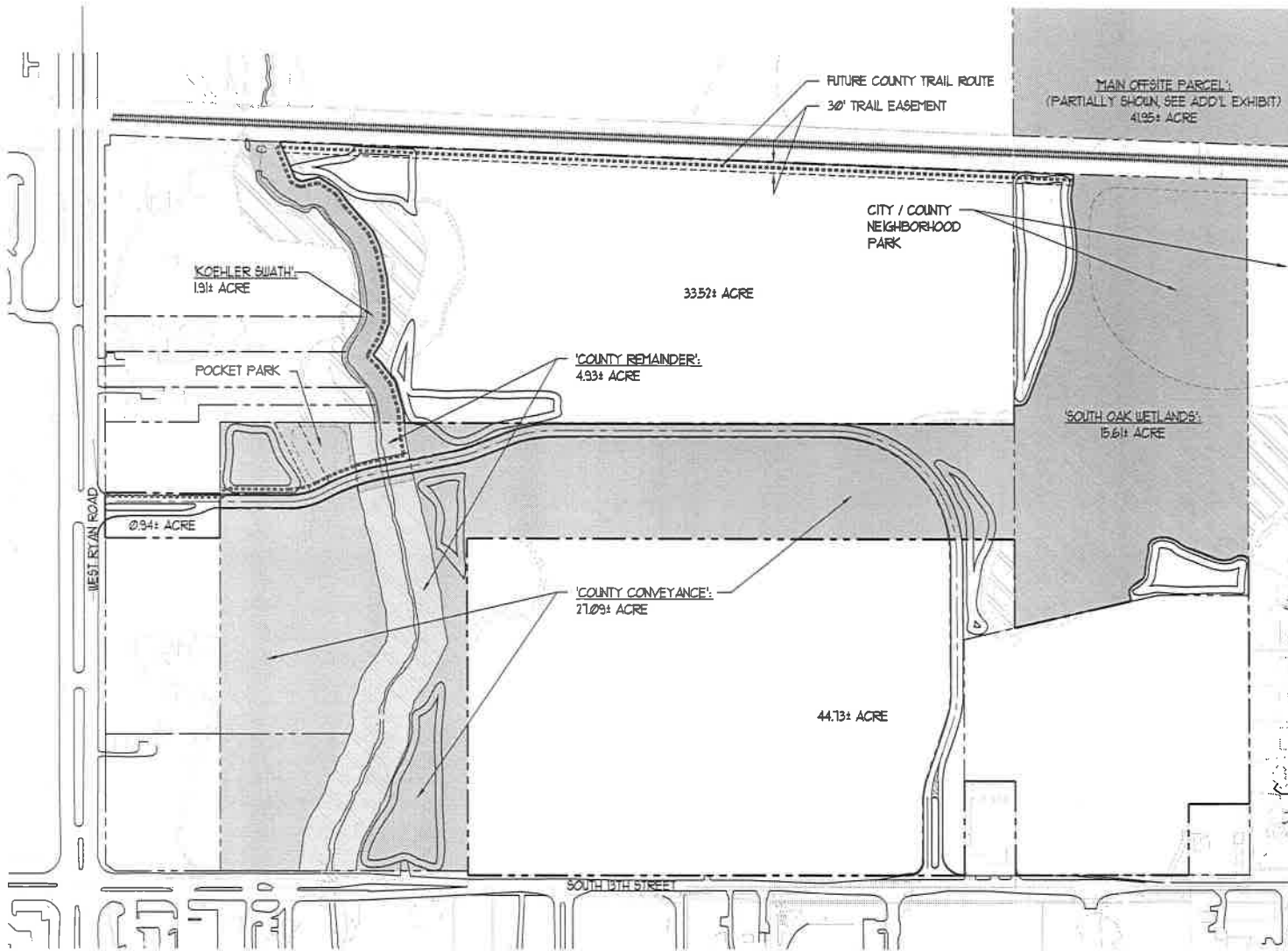
Partners in Design
ARCHITECTS



PROJECT NO:
694.13.021
DRAWN BY: MDS CHECKED BY: WHB
DATE: 10/11/17
SHEET NO:

DS02

CAPSTONE QUADRANGLE
GENERAL CAPITAL



SITE LAYOUT
1" = 300'-0"



EXISTING COUNTY PROPERTY: 32.02± acre

- COUNTY PROPERTY TO REMAIN WITH COUNTY : 4.93± acre
- (+) DEVELOPER LAND TO CONVEY TO COUNTY: 59.41± acre
- (-) COUNTY PROPERTY TO CONVEY TO DEVELOPER: 21.09± acre

FINAL COUNTY PROPERTY: 64.41± acre

SWAP RATIO: 22 TO 1

CAPSTONE QUADRANGLE
GENERAL CAPITAL

RYAN BUSINESS PARK
Oak Creek, Wisconsin
PROPOSED SITE LAYOUT

2610 Lake Cook Road
Suite 200
Northbrook, Illinois 60062
Ph: (847) 940-0300
Fax: (847) 940-1555

Partners in Design
ARCHITECTS



PROJECT NO:
69413027
DRAWN BY: MDS
DESIGN BY: WHB
DATE: 10/11/17
SHEET NO:

DS01

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 15

Recommendation: That the Council adopts Ordinance No. 2872, an ordinance adopting an amendment to the Comprehensive Plan for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, 1900 and 1920 W. Drexel Ave.

Background: Walden OC, LLC is requesting that the Planned Land Use category and map in the Comprehensive Plan for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, & 1900 W. Drexel Ave. are updated from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Areas) in consideration of the future development plans for the properties (to include rezoning to B-6, Interstate Regional Retail District). Considering the proximity to the parcels in this request, the City is also requesting the that Planned Land Use category and map in the Comprehensive Plan for the City-owned property at 1920 W. Drexel Ave. be updated from "Single Family Residential" to "Limited Development Area" (no change to Resource Protection Areas). No development plans apart from public infrastructure are planned for the City-owned property at 1920 W. Drexel Ave.

Council will recall that the Comprehensive Plan was amended at the end of 2015 for parcels in the immediate area, excluding the subject parcels in this request. The two parcels immediately north of the subject parcels in this request were updated to Planned Mixed Use, the Forest Ridge Elementary School property was updated to Institutional, and Falk Park parcels were updated to Resource Protection Area (see attached). No changes were made to Single Family Residential or Limited Development Areas that were not part of the Tri-Party Exchange Agreement.

Planned Mixed Use allows for a comprehensive development that could include professional office, residential, and commercial uses. This is consistent with the intent and goals for the development of the area as mentioned in the 2015 Comprehensive Plan Amendment report.


On October 10, 2017, following a duly-noticed public hearing, the Plan Commission adopted Resolution 2017-07 amending the Comprehensive Plan and Planned Land Use map for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, & 1900 W. Drexel Ave. to reflect the change in land use from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Area), and for the property at 1920 W. Drexel Ave. to reflect the change in land use from "Single Family Residential" to Limited Development Area (no change to Resource Protection Areas).

The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the comprehensive plan. Approval of these changes to the Comprehensive Plan would bring the Comprehensive Plan in line with the intent and goals for future development of the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, 1900, & 1920 W. Drexel Ave.

Fiscal Impact: The amendment to the Comprehensive Plan would give the Council the discretion to approve land uses at this location that may enhance the tax base. Impact fees

from the development and redevelopment of the properties would provide additional positive fiscal impact for the City. These properties are not currently part of a TID; however, they are adjacent to TID 12 and may be incorporated in the near future.

Prepared by:



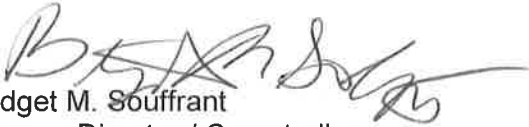
Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director / Comptroller

ORDINANCE NO. 2872

BY: _____

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

1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, 1900 and 1920 W. Drexel Ave.

(2nd Aldermanic District)

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

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

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

SECTION 3: The City of Oak Creek published a Class 1 public notice on September 6, 2017, and held a public hearing before the Plan Commission on October 10, 2017.

SECTION 4: The Plan Commission, by a majority vote of the entire Commission at a meeting held on October 10, 2017, adopted Resolution No. 2017-07, amending the adopted Comprehensive Plan for the City of Oak Creek from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Area) for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, & 1900 W. Drexel Ave., and amending the designation for the property at 1920 W Drexel Avenue from "Single Family Residential" to "Limited Development Area" and recommending that the Common Council adopt the amendment to the Comprehensive Plan by ordinance.

SECTION 5: The Common Council hereby adopts the proposed amendment to the Comprehensive Plan for the City of Oak Creek from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Area) for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, & 1900 W. Drexel Ave. and from "Single Family Residential" to "Limited Development Area" for the property at 1920 W. Drexel Ave.

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

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

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

Introduced this 10th day of October, 2017.

Passed and adopted this _____ day of _____, 2017.

President, Common Council

Approved this _____ day of _____, 2017.

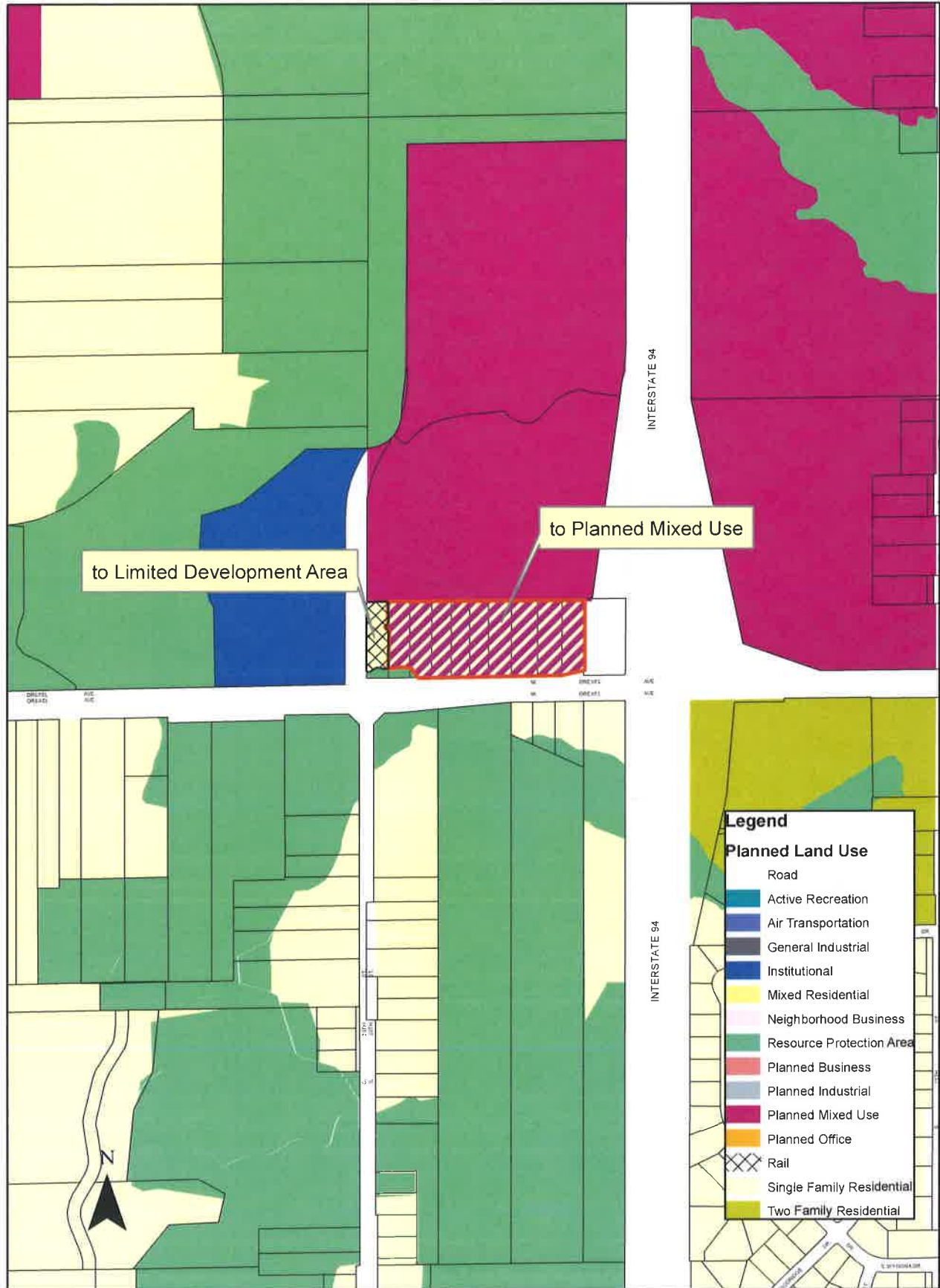
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Proposed Changes to Future Land Use Map



**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 10, 2017**

PUBLIC HEARING

COMPREHENSIVE PLAN AMENDMENT

2020 VISION – A COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK

UPDATE PLANNED LAND USE CATEGORY AND MAP 2 FROM “SINGLE FAMILY RESIDENTIAL” TO “PLANNED MIXED USE”

1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850 AND 1900 W. DREXEL AVE.

“SINGLE FAMILY RESIDENTIAL” TO “LIMITED DEVELOPMENT AREA”

1920 W. DREXEL AVE.

Planner Papelbon read the public hearing notice into the record. Mayor Bukiewicz made three calls for public comment. Seeing none, the public hearing was declared closed.

COMPREHENSIVE PLAN AMENDMENT

2020 VISION – A COMPREHENSIVE PLAN FOR THE CITY OF OAK CREEK

UPDATE PLANNED LAND USE CATEGORY AND MAP 2 FROM “SINGLE FAMILY RESIDENTIAL” TO “PLANNED MIXED USE”

1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850 AND 1900 W. DREXEL AVE.

“SINGLE FAMILY RESIDENTIAL” TO “LIMITED DEVELOPMENT AREA”

1920 W. DREXEL AVE.

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

Commissioner Dickmann inquired about the 1920 W. Drexel Ave. property. Planner Papelbon responded that 1920 W. Drexel Ave. is the City-owned property that is immediately adjacent to the road IKEA Way. The reason that it is going to be rezoned is because it doesn't fit into any other zoning category. Because it is City-owned, Institutional zoning fit the best and that is why staff is proposing I-1 Institutional zoning. Commissioner Johnston added that this lot is currently used for compensating floodplain storage.

Commissioner Siefert asked if there is still a resident on the excluded properties. Planner Papelbon responded that changing the Comprehensive Plan does not immediately change anything about the property. In the future, should that property come up for development, if they want to rezone it, they can ask for it to be rezoned. Right now, the Comprehensive Plan change is recognizing that the area is changing from residential to a more commercial use.

Commissioner Loreck motioned that the Plan Commission adopts resolution 2017-07, amending the Comprehensive Plan and Planned Land Use map to reflect the changes in land use from “Single Family Residential” to “Planned Mixed Use” for the properties at 1700, 1750, 1800, 1816, 1820, 1830, 1848, 1850, & 1900 W. Drexel Ave., and from “Single Family Residential” to “Limited Development Area” for the property at 1920 W. Drexel Ave. (no change to the Resource Protection Areas) following a public hearing and adoption by the Common Council. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

ATTEST:

Douglas Seymour, Plan Commission Secretary

October 11, 2017
Date

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 16

Recommendation: That the Common Council adopt Resolution No. 11867-101717, a Resolution Approving a Fourth Amendment to Tax Incremental District No. 11 Finance Development Agreement (Drexel Square Hotel Group, Inc.) (2nd Aldermanic District).

Background: On April 15, 2014 the City entered into a Tax Incremental District No. 11 Finance Development Agreement with Oak Creek Hotel Group, LLC (the "Agreement"). The developer was converted to Drexel Square Hotel Group, LLC on June 17, 2016. This project is the Marriott TownePlace Suites in Drexel Town Square.

The City and the developer have previously entered into amendments that included adjustments of the dates for commencement and completion of construction. These amendments include the First Amendment to the Agreement dated December 16, 2014; the Second Amendment to the Agreement dated June 29, 2015; and the Third Amendment to the Agreement dated July 15, 2016. This Fourth Amendment to the Agreement proposes to extend only the date for completion of construction from December 1, 2017 to January 31, 2018 per the developer's request and consistent with its lender requirements. It is anticipated that the hotel will be open for business with the general public before then.

Fiscal Impact: The hotel taxes and property taxes generated by this 112-room hotel are expected to repay the \$1,450,000 TIF bonds for this project and a portion of the public infrastructure bonds issued to support the Drexel Town Square development.

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. 11867-101717

RESOLUTION APPROVING A FOURTH AMENDMENT TO TAX INCREMENTAL
DISTRICT NO. 11 FINANCE DEVELOPMENT AGREEMENT
(Drexel Square Hotel Group, Inc.)
(2nd Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Fourth Amendment to Tax Incremental District No. 11 Finance Development Agreement with the Drexel Square Hotel Group, Inc. 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 17th day of October, 2017.

Passed and adopted this ____ day of _____, 2017.

Common Council President Kenneth Gehl

Approved this ____ day of _____, 2017.

Mayor Daniel J. Bukiewicz

ATTEST:

City Clerk Catherine A. Roeske

VOTE: Ayes _____ Noes _____

**FOURTH AMENDMENT TO TAX INCREMENTAL DISTRICT NO. 11
FINANCE DEVELOPMENT AGREEMENT
(Drexel Square Hotel Group, Inc.)**

This Fourth Amendment to Tax Incremental District No. 11 Finance Development Agreement is made and entered into as of the ____ day of October, 2017 by and between Drexel Square Hotel Group, Inc., a Delaware corporation (the "Developer") and the City of Oak Creek, a Municipal Corporation of the State of Wisconsin located in Milwaukee County, Wisconsin (the "City").

RECITALS

- A. The City and Oak Creek Hotel Group, LLC, an Illinois limited liability company ("OCHG"), predecessor in interest to Developer, previously entered into a Tax Incremental District No. 11 Finance Development Agreement dated as of April 15, 2014 and recorded on January 7, 2016 with the Milwaukee County Register of Deeds as Document #10530554 (the "Initial Agreement") relating to Tax Incremental District No. 11 in the City of Oak Creek.
- B. The City and OCHG previously entered into the First Amendment to Tax Incremental District No. 11 Finance Development Agreement dated as of December 16, 2014 and recorded on July 20, 2016 with the Milwaukee County Register of Deeds as Document #10585163 (the "First Amendment"), the Second Amendment to Tax Incremental District No. 11 Finance Development Agreement dated as of June 29, 2015 and recorded on July 20, 2016 with the Milwaukee County Register of Deeds as Document #10585164 (the "Second Amendment"), and the Third Amendment to Tax Incremental District No. 11 Finance Development Agreement dated as of July 15, 2016 and recorded on July 21, 2016 with the Milwaukee County Register of Deeds as Document #10585341 (the "Third Amendment") relating to Tax Incremental District No. 11 in the City of Oak Creek; and together with the Initial Agreement, the First Amendment, the Second Amendment and the Third Amendment, collectively referred to as the "Agreement".
- C. Developer was formed on October 27, 2015 as an Illinois limited liability company known as Drexel Square Hotel Group, LLC ("DS-LLC") which was converted into Developer pursuant to that Certificate of Merger dated as of June 17, 2016 issued by the Secretary of State of the State of Delaware.
- D. OCHG assigned all of its right, title and interests under the Agreement to the Developer pursuant to that certain Assignment and Assumption of Tax Incremental District No. 11 Finance Development Agreement dated as of June 30, 2016 (the "Assignment").
- E. The City has heretofore consented to the Assignment assigning the Agreement to Developer.

F. The Developer and the City desire to amend the Agreement as set forth herein.

NOW THEREFORE, in consideration of the recitals, terms and conditions contained in this Fourth Amendment and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. Section II.C. shall be modified and amended in its entirety as follows:

“II. **DEVELOPERS IMPROVEMENTS.** The Developer shall complete Developer’s Improvements pursuant to the terms and conditions of this Agreement, and in accordance with the following requirements:

C. **Commencement and Completion of Work.** The Developer shall commence construction of Developer’s Improvements on or before September 1, 2016. After commencement, the Developer shall diligently proceed to Substantially Complete all of Developer’s Improvements, so that, in any case, Developer’s Improvements shall be open for business with the general public on or before January 31, 2018. Commencement of Construction of Developer’s Improvements shall be deemed to occur on the date Developer starts to pour the building foundations for Developer’s Improvements.”

2. Section VIII.A.3. shall be modified and amended in its entirety as follows:

“VIII. **EVENT OF DEFAULT**

A. **Event of Default.** An “Event of Default” under this Agreement is any of the following:

3. **Failure to Substantially Complete.** Developer’s failure to achieve Substantial Completion on or before January 31, 2018, subject to extension by reason of force majeure set forth below.”

3. This Fourth Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

4. This Fourth Amendment shall be binding upon and inure to the benefits of the parties hereto and their respective representatives, successors and assigns.

5. Except as expressly amended herein, the Agreement shall remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

In witness whereof, the parties have caused this Fourth Amendment to the Agreement to be signed as of the date stated in the first paragraph of this Agreement.

“DEVELOPER”

**DREXEL SQUARE HOTEL GROUP,
INC.**

By: _____

Name: Robert Gustin

Its: President

STATE OF NEW MEXICO)

) ss:

COUNTY OF BERNALILLO)

Personally came before me this ____ day of October, 2017, the above Robert Gustin, to me known to be the person who executed the foregoing instrument and acknowledged the same.

*

Notary Public, State of _____

My commission: _____

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 17

Recommendation: That the Common Council adopt Resolution No. 11864-101717 terminating the development agreement between Goodwill Industries of Southeastern Wisconsin, Inc. and the City of Oak Creek for the Goodwill project at 140 E. Rawson Avenue (Project No. 09050) (Tax Key No. 733-9991-001) (1st Aldermanic District).

Background: The Developer has withdrawn from the Goodwill project. The property is for sale and the Developer requested the closing of the agreement prior to the sale. The Developer did not install any of the public improvements as intended with the development agreement. The Developer has executed the release papers for the development agreement. There are no current outstanding assessments against the properties, and the Developer has paid all required City fees and costs.

Fiscal Impact: None.

Prepared by:



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

Respectfully submitted,



Andrew J. Vickers, MPA
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11864-101717

BY: _____

RESOLUTION ACCEPTING
RELEASE FROM DEVELOPMENT AGREEMENT

GOODWILL INDUSTRIES OF SOUTHEASTERN WISCONSIN, INC.

(PROJECT NO. 09050)

(1st ALDERMANIC DISTRICT)

WHEREAS, Goodwill Industries of Southeastern Wisconsin, Inc., hereinafter referred to as the "Developer", entered into a development agreement with the City of Oak Creek, for a proposed building site located at 140 E. Rawson Avenue, with the intent to install the public infrastructure at the expense of the Developer with the plans and specifications conforming to applicable City Ordinances and approved by the City; and

WHEREAS, the Developer has withdrawn from the project and no improvements were installed on the parcel, and;

WHEREAS, the Development Agreement was recorded with the Milwaukee County Register of Deeds office on January 29, 2009 as Document #09694383; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek, that the Developer is hereby released and the above referenced Development Agreement is hereby terminated; and

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

Approved this 17th day of October, 2017.

President, Common Council

Mayor

ATTEST: _____
City Clerk

VOTE: Ayes _____ Noes _____

Document Number

RELEASE FROM THE
GOODWILL INDUSTRIES OF
SOUTHEASTERN WISCONSIN, INC.
DEVELOPMENT AGREEMENT
Document Title

Recording Area

Name and Return Address

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

733-9991-001

Parcel Identification Number (PIN)

WHEREAS, THE CITY OF OAK CREEK, a municipal corporation of Milwaukee County, State of Wisconsin, hereinafter referred to as the "City", and, Goodwill Industries of Southeastern Wisconsin, Inc., 6055 N. 91st Street, Milwaukee, WI, 53225, and hereinafter referred to as "Developer", entered into a Development Agreement dated January 8, 2009, which was approved by Resolution No. 10941-012009

WHEREAS, the Developer proposed to develop the following described lands situated in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

KNOWN AS 140 E. RAWSON AVENUE, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

THE WEST 1/2 OF THE SOUTH 40 ACRES OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, EXCEPTING THEREFROM THAT PART OF THE FOLLOWING-DESCRIBED PREMISES WITHIN SAID WEST 1/2:

COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST 1412.20 FEET; THENCE NORTH 40 FEET; THENCE WEST 690 FEET; THENCE NORTH 100 FEET; THENCE WEST 522.20 FEET, THENCE NORTH 190.68 FEET; THENCE WEST 95 FEET; THENCE NORTH TO NORTH LINE OF SOUTH 40 ACRES OF SAID 1/4 SECTION; THENCE WEST 105 FEET; THENCE SOUTH TO THE PLACE OF COMMENCEMENT.

FURTHER EXCEPTING THEREFROM CERTIFIED SURVEY MAP NO. 205 RECORDED ON FEBRUARY 27, 1963 ON REEL 77, IMAGES 148 AND 149 AS DOCUMENT NO. 4006714 AND CERTIFIED SURVEY MAP NO. 3670 RECORDED ON JULY 10, 1979 ON REEL 1219, IMAGES 1299 TO 1301 INCLUSIVE, AS DOCUMENT NO. 5327097, AND THAT PART THEREOF CONVEYED BY AWARD OF DAMAGES, DATED JANUARY 31, 1967 AND RECORDED FEBRUARY 10, 1967 ON REEL 346, IMAGES 369 TO 371 INCLUSIVE, AS DOCUMENT NO. 4301007.

WHEREAS, pursuant to Chapter 14 of the Municipal Code and Wis. Stats. Chapter 236, the Developer was required to construct, install, furnish and provide entirely at its expense, in and for the development as recorded, all necessary public infrastructure for the purpose of creating four parcels; and

WHEREAS, the Developer has withdrawn from the project and no improvements have been installed; and

WHEREAS, the Development Agreement was recorded with the Milwaukee County Register of Deeds office on January 29, 2009, in Document #09694383; and

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, to it in hand paid, receipt of which is herein acknowledged and confessed.

1. The Developer hereby withdraws from the public infrastructure project.
2. The Developer hereby acknowledges that no public improvements were installed as listed in the development agreement.
3. The Developer is hereby released and discharged from the terms of the Development Agreement.

CITY OF OAK CREEK

Daniel J. Bukiewicz, Mayor

Countersigned:

Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
) SS:
MILWAUKEE COUNTY)

Personally came before me this ____ day of October, 2017, DANIEL J. BUKIEWICZ, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. _____ adopted by its Common Council on the ____ day of October, 2017.

Melissa L. Karls, Notary Public
Milwaukee County, Wisconsin
My commission is permanent.

This document was drafted by Brian L. Johnston, P.E., of the City of Oak Creek Engineering Department.

Approved as to form:

Melissa L. Karls, City Attorney

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 18

Recommendation: That the Common Council adopt Resolution No. 11865-101717 releasing Goodwill Industries of Southeastern Wisconsin, Inc. from the storm water management practices maintenance agreement for the Goodwill project that was proposed at 140 E. Rawson Avenue (Tax Key No. 733-9991-001) (1st Aldermanic District).

Background: The Developer has withdrawn from the Goodwill project. The property is for sale and the Developer requested release from the storm water management practices maintenance agreement prior to the sale. The Developer did not install any of the improvements as intended with the development, and therefore the storm water practices maintenance agreement is not applicable. The Developer has executed the release papers for the maintenance agreement.


Fiscal Impact: None.

Prepared by:



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

Respectfully submitted,



Andrew J. Vickers, MPA
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11865-101717

BY: _____

**RESOLUTION ACCEPTING RELEASE FROM STORM WATER MANAGEMENT PRACTICES
MAINTENANCE AGREEMENT
GOODWILL INDUSTRIES OF SOUTHEASTERN WISCONSIN, INC.**

(TAX KEY NO. 733-9991-001)

(1st ALDERMANIC DISTRICT)

WHEREAS, Goodwill Industries of Southeastern Wisconsin, Inc., hereinafter referred to as the "Owner", proposed a development located at 140 E. Rawson Avenue for their Goodwill Industries-Oak Creek Center for Work and Training facilities; and

WHEREAS, pursuant to Chapter 13 of the Municipal Code, the Owner was required to construct and maintain storm water management practices to serve their development; and

WHEREAS, the Owner has withdrawn from the project and no improvements have been installed; and

WHEREAS, the Storm Water Management Practices Maintenance Agreement was recorded with the Milwaukee County Register of Deeds office on February 23, 2009, in Document #09704019; and

WHEREAS, the Owner has requested to be released from the terms of the Storm Water Management Practices Maintenance Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek, that the Owner is hereby released and discharged from the terms of the above referenced Storm Water Management Practices Maintenance Agreement.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

Approved this 17th day of October, 2017.

President, Common Council

Mayor

ATTEST: _____
City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 19

Recommendation: That the Council adopt Resolution No. 11869-101717 approving a release from a service and assessment agreement with Goodwill Industries of Southeast Wisconsin.

Background: In 2007, the Council adopted an ordinance (2477) rezoning the property at 140 E. Rawson Avenue to M-1, Manufacturing in anticipation of the development of a Goodwill Industries Center for Work and Training.

Subsequent to that rezoning the Council adopted Resolution No. 10791-100207, approving a service and assessment agreement with Goodwill. Part of that agreement required the City to construct sidewalk along East Rawson Avenue to serve this property. Also part of the agreement was a requirement for an annual contractual payment by Goodwill in lieu of taxes.

This Center for Work and Training was never constructed at the site and was ultimately developed in Greendale. As part of this agreement there was a clause that terminated the agreement in the event that a certificate of occupancy (CO) had not been issued within five years of the effective date of the agreement (2007). Since the building was never constructed, the agreement automatically terminated. However, since the initial agreement was approved by a resolution of the Common Council the release of such agreement must also be effected via a resolution by the Council.

The release of this agreement is necessary in order that the current development (three business-manufacturing flex buildings) can proceed with the current developer, St. John Properties, Inc.

Fiscal Impact: The sale of the property will once again bring this property into taxable status (prior value was \$297,200). The sale and development of this property will increase its taxable value and will result in additional development impact fees of \$60,922.

Prepared by:



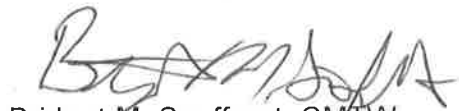
Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11869-101717

BY: _____

**RESOLUTION APPROVING A RELEASE FROM
A SERVICE AND ASSESSMENT AGREEMENT**

**GOODWILL INDUSTRIES OF SOUTHEAST WISCONSIN
(2nd Aldermanic District)**

WHEREAS, on October 2, 2007 the City of Oak Creek (hereinafter "City") adopted Resolution No. 10791-100207, a resolution approving the service and assessment agreement (hereinafter "agreement") with Goodwill Industries of Southeast Wisconsin (hereinafter "Goodwill"); and

WHEREAS, the Agreement stated that the City shall construct sidewalks along E. Rawson Avenue from South Howell Avenue to provide access to Goodwill's main entrance; and

WHEREAS, the agreement required an annual contractual payment by Goodwill during the term of the Agreement; and

WHEREAS, under the terms of the Agreement, the Agreement terminates automatically without further action by either party if the CO (certificate of occupancy) has not been issued within five (5) years of the effective date of the Agreement; and

WHEREAS, given that Goodwill did not proceed with the project and did not apply for or receive an occupancy permit within five (5) years of the effective date of the Agreement, the Agreement has terminated.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that said Agreement be terminated and that Goodwill be released from its terms.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017

President, Common Council

Approved this 17th day of October, 2017

Mayor

ATTEST: _____
City Clerk

VOTE: Ayes _____ Noes _____

11869

SERVICE AND ASSESSMENT AGREEMENT

October This Service and Assessment Agreement ("Agreement") is made this 4 day of September, 2007 by and between Goodwill Industries of Southeast Wisconsin, Inc., a Wisconsin nonprofit corporation (hereinafter "Goodwill") and the City of Oak Creek, a municipal corporation of the State of Wisconsin, located in Milwaukee County, Wisconsin (hereinafter "City"). Goodwill and City hereby agree as follows:

RECITALS

WHEREAS, Goodwill wants to develop a work and training center and corporate offices on certain property to be acquired by Goodwill within the corporate limits of the City (the "Project"), the property consisting of 13.1 acres, more or less, and more particularly described in Exhibit A (the "Property"); and

WHEREAS, the City has approved the rezoning permitting the Project; and

WHEREAS, Goodwill is a nonprofit organization and accordingly 10 acres of the Property is not subject to real estate property taxation; and

WHEREAS, Goodwill wishes to contribute to the cost of the services that the City will be providing; and

WHEREAS, as consideration for Goodwill's contribution for services, the City agrees to be responsible for the cost of constructing a sidewalk servicing the Property; and

WHEREAS, the parties wish to memorialize this Agreement;

NOW THEREFORE, in consideration of the foregoing, this Agreement and for other considerations the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I. THE PROJECT

- A. Construction Project. Goodwill intends to construct a building of approximately 140,000 square feet to house a work/training center and corporate offices at 140 E. Rawson Avenue. The parties acknowledge that as a result of the City's action of June 19, 2007 the Property is properly zoned for this use.
- B. Permits Required. Goodwill acknowledges its responsibility to obtain all permits and approvals required for the Project. Nothing in this agreement shall affect those responsibilities.

II. SIDEWALK CONSTRUCTION

- A. The City shall construct sidewalks, in accordance with the City's normal procedures and to the City's normal specifications, on property owned by Milwaukee County, along E. Rawson Avenue and from S. Howell Avenue easterly in order to provide access to Goodwill's main entrance within the public way, as pictured in Exhibit B to this Agreement. The City will also work with Goodwill architects and engineers to effectuate optimum access to the Property off the public way. The City shall utilize Community Development Block Grant Funding to assist in financing the cost of sidewalk construction. The public sidewalk shall be maintained in accordance with standard City policy and practice by the property owners abutting the public sidewalk.
- B. Said improvements are to have an estimated life of twenty (20) years.

III. PAYMENT FOR IMPROVEMENTS AND SERVICES

- A. Tax Exemption. Ten (10) acres of the property upon which the Project is located shall be exempt from real estate property taxes as provided in Section 70.11(12), Wis. Stats. Current state law provides that such ten acres shall consist of the land on which the building is to be situated, plus land adjacent to the building and necessary for the convenience of the building up to ten acres. Goodwill recognizes its continued responsibility to pay taxes on the remaining approximately 3.1 acres on the Property. Such responsibility is not affected by this Agreement and Goodwill shall pay that tax liability in the time and in the manner prescribed by statute and described in this Section III.A.
-
- B. Annual Contractual Payment. Goodwill and the City recognize that Goodwill is not required to contribute to the cost of City services beyond its real estate property tax liability. By this Agreement Goodwill accepts the construction of certain public improvements at the City's cost, described more particularly in Section II above, as consideration for an Annual Contractual Payment ("ACP") by Goodwill during the term of this Agreement.
- C. Calculation of ACP. Goodwill shall pay to the City an ACP of \$14,700.00 per year, prorated for partial years, as consideration for the payment by the City of the cost of construction of public sidewalks as hereinafter provided. The initial ACP shall be due and payable commencing with the date on which a Certificate of Occupancy ("CO") is issued by the City and shall be prorated for the year in which the CO is issued. Subsequent installments of the ACP shall be due and payable on the first day of the calendar year, and shall represent payment of the ACP for that year. By way of example and for illustrative purposes only, if the CO is issued July 1, 2008, Goodwill would owe the City an ACP for 2008 of \$7,350.00. As of January 1, 2009, Goodwill would owe the City an ACP for 2009 of \$14,700.00.
- D. Payment. The Treasurer shall create a bill in the amount of each annual ACP and

present it to Goodwill for payment. The bill shall be presented and paid in the same time and manner as the taxes on the non-exempt portion of the Project.

Annual Increase in ACP. Commencing on January 1st of the year following commencement of Goodwill's obligation to pay the ACP, the ACP shall increase each year at the rate of 2% per annum.

IV. COLLECTION OF ANNUAL CONTRACTUAL PAYMENT

- A. Collection as a Special Charge. Goodwill recognizes the manner in which assessments may be collected and the benefits provided by this Agreement, agrees that in the event failure to make the payments provided for in this Agreement the City may collect the amounts due and owing under this Agreement in the time and the manner provided by Section 66.0627 Wis. Stats. The parties therefore acknowledge that in the event failure to make timely payment upon such billing, the City may treat the amounts due and owing as a special charge for current services against the Property and may collect the cost of those obligations as provided in said statute.
- B. Collection as Consumer Debt. In lieu of the foregoing the City may collect the ACP as provided by law for a consumer debt.

V. MISCELLANEOUS

- A. Term. The term of this Agreement shall commence as of the effective date listed above, and shall continue through midnight December 31, 2028.
- B. Renewal. This Agreement shall be renewed for a twenty (20) year term unless terminated by either party in writing at least sixty (60) days before the termination of the Agreement. In the event of renewal there shall be no requirement that the City perform any additional construction at its cost.
- C. Nonwaiver of Approvals. Nothing herein shall be construed or interpreted in any way to waive any obligation or requirement of Goodwill to obtain any necessary approvals, licenses, or permits, from the City in accordance with its usual practices and procedures, nor limit or affect in any way the right and authority of the City to approve or disapprove any plans and specifications and any parts thereof, or to impose the limitations, restrictions and requirements on the construction of the Project and use of the Project as a condition of any such license approval or permit.
- D. Termination of Agreement. This Agreement may be terminated prior to the end of the term:
 - (1) by mutual agreement of the parties, or
 - (2) upon sixty (60) days' notice by Goodwill in the event of the sale or transfer of the Property by Goodwill, provided that if the Agreement is terminated at such point that the cumulative total of ACP payments by Goodwill is less than the

Eligible Project Costs, termination shall be conditioned upon Goodwill's payment to the City of the difference between these two totals; or

(3) automatically without further action by either party, if the CO has not been issued within five (5) years of the effective date of the Agreement.

- E. Delivery of Notices. Any notice required hereunder shall be deemed in writing and signed by the party giving notice, personally delivered, mailed by certified or registered mail, return receipt requested or faxed to the parties respective address as follows:

If to the City: City Clerk
 City of Oak Creek
 8640 South Howell Avenue
 Oak Creek, WI 53154
 Ph: (414) 768-6510
 Fax:

With a copy to: Mr. Lawrence Haskin
 City Attorney – City of Oak Creek
 Corporate Square
 7300 S. 13th Street, Ste. 104
 Oak Creek, WI 53154
 Ph: (414) 762-5105
 Fax: (414) 762-6340

To Goodwill: Goodwill Industries of Southeastern Wisconsin, Inc.
 6055 N. 91st Street
 Milwaukee, Wisconsin 53225
 Attn: Mr. Charles Stadler
 Vice President and Chief Financial Officer
 Ph: (414) 353-6400
 Fax: (414) 358-4283

- F. Entire Agreement. This Agreement shall be construed in accordance with the internal laws of the State of Wisconsin.
- G. Amendments to Agreement. This Agreement shall not be amended orally but only upon the written agreement of the parties signed by the appropriate representatives of each party with the actual authority to do so.
- H. No Partnership. This Agreement specifically does not create any partnership or joint adventure between the parties or render any party liable for the debts or obligations of the other.
- I. Severance. If any portion of this Agreement is deemed invalid or unenforceable by a court of competent jurisdiction, then, unless in the judgment of the party

EXHIBIT A
LEGAL DESCRIPTION

The West 1/2 of the South 40 acres of the Southwest 1/4 of Section 4, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, excepting therefrom that part of the following-described premises within said West 1/2:

Commencing at the Southwest corner of said 1/4 Section; thence East 1412.20 feet; thence North 40 feet; thence West 690 feet; thence North 100 feet; thence West 522.20 feet; thence North 190.68 feet; thence West 95 feet; thence North to North line of South 40 acres of said 1/4 Section; thence West 105 feet; thence South to the place of commencement.

FURTHER EXCEPTING THEREFROM Certified Survey Map No. 205 recorded on February 27, 1963 on Reel 77, Images 148 and 149 as Document No. 4006714 and certified Survey Map No. 3670 recorded on July 10, 1979 on Reel 1219, Images 1299 to 1301 inclusive, as Document No. 5327097, and that part thereof conveyed by Award of Damages, dated January 31, 1967 and recorded February 10, 1967 on Reel 346, Images 369 to 371 inclusive, as Document No. 4381007.

Tax Key No. 733-9991-001-0
Address: 140 East Rawson Avenue, Oak Creek, Wisconsin

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 20

RECOMMENDATION: That the Common Council makes a motion to decline the Staffing for Adequate Fire and Emergency Response (SAFER) Act Grant award for the addition of three firefighter positions.

BACKGROUND: The Federal government awarded the Oak Creek Fire Department the SAFER Grant on September 1, 2017. The Fire Department asked for and received an extension until October 31, 2017 to accept or decline the award. Hiring must commence within six months of the award, which is no later than February 28, 2018.

Staff presented the SAFER grant to the Personnel Committee at its September 13 meeting. The Personnel Committee conditioned its recommendation to Council on whether the City and Union could negotiate a side letter agreement to the current Bargaining Contract to bring the SAFER positions on as "flexible firefighter positions". The flexible position concept was close to being negotiated in the current Bargaining Contract, but was ultimately not included. As of this time of this writing, the City and Union have not agreed to flexible firefighter language acceptable to the both parties. Discussion on this topic between the two parties has ceased.

FISCAL IMPACT: Should the Council decline the Grant award, the City has no financial obligation to the Grant; however, in lieu of the Grant decline, the staff has identified an alternative in that the *proposed* 2018 budget could accommodate the City fully funding 1 additional firefighter position.

While it is difficult to turn down these Grant dollars, it is an even more uncomfortable proposition for the City to commit taxpayer dollars years down the road (when the Grant dollars run out), especially given the City's budgetary circumstances in those future years are completely unknown at this time. Accepting the Grant would have required the City to commit a total of at least \$371,642 during the active 3-year Grant period, which figure does not include a budgetary spike of an additional ~\$105,300 in year 4 after the Grant is satisfied.

Reviewed by:



Tom Rosandich
Fire Chief

Prepared and 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 Common Council Report

Meeting Date: October 17, 2017

Item No.: 21

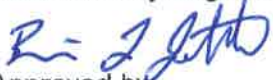
Recommendation: That the Common Council adopts Resolution No. 11871-101717, a resolution approving a water main easement by and between WALDEN OC, LLC and the City of Oak Creek (Tax Key Nos. 762-9992-003, 762-9991-003, 785-9999-003) (2nd Aldermanic District).

Background: As part of IKEA building project it was requested that the water main should loop to S. 27th Street. Walden OC, LLC is the property owner west of the Milwaukee County land and has agreed to approve a separate water main easement for the public water main. The easement and water main are designed so the future road will follow this alignment. Staff has worked with the Owner to prepare the water main easement and exhibit. This easement would establish for the City the right to install and maintain the public water main.

Fiscal Impact: None.

Prepared by:

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


Approved by:



Michael C. Simmons, P.E.
City Engineer

Approved by:



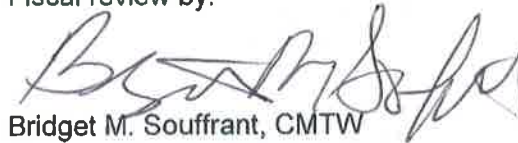
Ronald J. Pritzlaff, P.E.
Utility Engineer

Respectfully submitted,



Andrew Vickers, MPA
City Administrator

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO.11871-101717

RESOLUTION APPROVING A WATER MAIN EASEMENT
BY AND BETWEEN WALDEN OC LLC AND THE CITY OF OAK CREEK
(2nd Aldermanic District)

BE IT RESOLVED that the Water Main Easement (“Easement”) by and between Walden OC LLC and the City of Oak Creek 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.

BE IT FURTHER RESOLVED that the Easement is subject to technical corrections approved by the City Administrator and the City Attorney.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

Common Council President

Approved this 17th day of October, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Document Number	Document Title	Recording Area
EASEMENT NO	_____	
PROJECT NO.	15023	
RESOLUTION NO.	_____	
ADDRESS NO.	7430, 7478, 7546 S 27 th St	
GRANTOR(S)	WALDEN OC, LLC	
M/A	PO Box 1351 Milwaukee, WI 53201	Name and Return Address

762-9992-003, 762-9991-003, 785-9999-003

Parcel Identification Number (PIN)

WATER EASEMENT

THIS INDENTURE, made this _____ day of October, 2017, by and between, WALDEN OC, LLC, PO Box 3151, Milwaukee, WI 53201, party of the first part, hereinafter referred to as "Grantor", and the City of Oak Creek, a Wisconsin municipal corporation, party of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

Grantor does hereby grant to the Grantee an easement to construct, maintain, operate and reconstruct where necessary a water main and appurtenances in, under, over and across the real property of Grantors in the City of Oak Creek, County of Milwaukee and State of Wisconsin, as shown on Exhibit "A", and more particularly described as follows:

LEGAL DESCRIPTION

TO HAVE AND TO HOLD said easement unto the Grantee, and unto its successors and assigns forever.

The Grantee shall have the right to enter upon and to pass and repass over and along the aforesaid land whenever and wherever necessary for the purpose of installation, maintenance, operation and repair of the aforesaid water main and appurtenances thereto.

The Grantee agrees to restore or cause to have restored the property as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. However, the Grantee's obligation to restore the property does not apply to any structure, fence, hard surface paving of any type or configuration, trees, bushes, branches or roots which may interfere with the Grantee's use of the aforesaid easement.

The Grantee shall have the right to trim or remove any trees, bushes, branches or roots so as not to interfere with the grantees use of the aforesaid easement.

Structures, which are defined as anything constructed or erected, the use of which requires more or less permanent location on ground or attached to something having permanent location on the ground and fences, shall not be located over Grantee's facilities or in, upon or over the property within aforesaid easement without the prior written consent of the City Engineer.

The aforesaid water main and appurtenances shall be maintained and kept in good order and condition at the expense of the Grantee.

The Grantor reserves the right, to themselves and to their heirs, personal representatives, successors and assigns, to have the full use and enjoyment of the aforesaid premises, except as to the rights herein granted.

If the premises herein are discontinued or abandoned for the purpose granted, the easement herein conveyed shall, without notice, demand or re-entry, revert to the Grantors, their heirs, personal representatives, successors and assigns. In such event, the City agrees to reconvey by quit claim deed to Grantors, their heirs, personal representatives, successors and assigns, the premises described herein.

The City shall and does hereby agree to indemnify and save harmless the Grantors, their heirs, personal representatives, successors and assigns, from any and all loss of damage to property or injury to or death of any and all persons, or from any suits, claims, liability or demand in connection therewith however caused, resulting directly or indirectly by reason of the installation, operation, maintenance, removal, use or existence of the aforesaid water main and appurtenances thereto.

WATERMAIN EASEMENT



SOUTH 27th STREET

W. LINE SW 1/4 SECTION 7

95.0'

P.O.B.
NW COR OF
SEC. 7-5-22

N00°02'30"W
39.55'

39.55'

WATERMAIN EASEMENT

35.00'

OB=S08°54'02"E
OI=35.35'
R=582.21'
L=35.35'

Line #	Direction	Length
L1	N89°09'40"E	95.01
L2	S0°02'30"E	99.62
L3	N89°57'30"E	22.24
L4	N0°02'30"W	18.75
L5	N89°57'30"E	20.00
L6	S0°02'30"E	18.75
L7	N89°57'30"E	120.42
L8	S78°47'30"E	23.30
L9	N0°00'00"E	11.06
L10	N90°00'00"E	20.00
L11	S0°00'00"E	11.05
L12	N89°57'30"E	3.77

Line #	Direction	Length
L13	N78°42'28"E	124.97
L14	N67°27'28"E	142.17
L15	N56°12'28"E	127.77
L16	N44°57'28"E	81.70
L17	N55°24'17"E	21.81
L18	N38°46'57"W	8.42
L19	N51°13'03"E	20.00
L20	S38°46'57"E	9.88
L21	N55°24'17"E	94.52
L22	N66°39'17"E	86.01
L23	N77°54'17"E	101.97
L24	N89°09'17"E	221.18

Line #	Direction	Length
L25	N0°50'43"W	9.04
L26	N89°09'17"E	20.00
L27	S0°50'43"E	9.04
L28	N89°09'17"E	187.43
L29	S77°54'17"W	95.08
L30	S66°39'17"W	81.11
L31	S55°24'17"W	129.73
L32	S44°57'28"W	81.95
L33	S56°12'28"W	134.66
L34	S67°27'28"W	149.07
L35	S78°42'28"W	131.87

Project No. 165346
October 11, 2017

GRAPHIC SCALE



(IN FEET)

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

SHEET 1 OF 2

WATERMAIN EASEMENT

Part of the Northwest 1/4 of the Southwest 1/4 of Section 7, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Southwest 1/4 Section; thence North 89°09'40" East along the North line of said 1/4 Section 95.01 feet to a point in the East line of South 27th Street; thence South 00°02'30" East along said East line 99.62 feet to the point of beginning of lands to be described; thence North 89° 57' 30" East 22.24 feet to a point; thence North 00° 02' 30" West 18.75 feet to a point; thence North 89° 57' 30" East 20.00 feet to a point; thence South 00° 02' 30" East 18.75 feet to a point; thence North 89° 57' 30" East 120.42 feet to a point; thence South 78° 47' 30" East 23.30 feet to a point; thence North 89° 57' 30" East 344.92 feet to a point; thence North 00° 00' 00" East 11.06 feet to a point; thence North 90° 00' 00" East 20.00 feet to a point; thence South 00° 00' 00" West 11.05 feet to a point; thence North 89° 57' 30" East 3.77 feet to a point; thence North 78° 42' 28" East 124.97 feet to a point; thence North 67° 27' 28" East 142.17 feet to a point; thence North 56° 12' 28" East 127.77 feet to a point; thence North 44° 57' 28" East 81.70 feet to a point; thence North 55° 24' 17" East 21.81 feet to a point; thence North 38° 46' 57" West 8.42 feet to a point; thence North 51° 13' 03" East 20.00 feet to a point; thence South 38° 46' 57" East 9.88 feet to a point; thence North 55° 24' 17" East 94.52 feet to a point; thence North 66° 39' 17" East 88.01 feet to a point; thence North 77° 54' 17" East 101.97 feet to a point; thence North 89° 09' 17" East 221.18 feet to a point; thence North 00° 50' 43" West 9.04 feet to a point; thence North 89° 09' 17" East 20.00 feet to a point; thence South 00° 50' 43" East 9.04 feet to a point; thence North 89° 09' 17" East 187.43 feet to a point; thence Southeasterly 35.35 feet along an arc of a curve whose center lies to the West, whose radius is 582.21 feet, and whose chord bears South 08° 54' 02" East 35.35 feet to a point; thence South 89° 09' 17" West 430.11 feet to a point; thence South 77° 54' 17" West 95.08 feet to a point; thence South 66° 39' 17" West 81.11 feet to a point; thence South 55° 24' 17" West 129.73 feet to a point; thence South 44° 57' 28" West 81.95 feet to a point; thence South 56° 12' 28" West 134.66 feet to a point; thence South 67° 27' 28" West 149.07 feet to a point; thence South 78° 42' 28" West 131.87 feet to a point; thence South 89° 57' 30" West 557.65 feet to a point; thence North 00° 02' 30" West 39.55 feet to the point of beginning.

Said land contains 64,355 square feet or 1.4774 acres.

October 11, 2017

Northwestern Mutual

Drawing No. 164346-RMK

raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

SHEET 2 OF 2

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

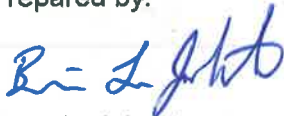
Item No.: 22

Recommendation: That the Common Council adopts Resolution No. 11872-101717, a resolution approving a temporary construction easement by and between WALDEN OC, LLC and the City of Oak Creek (Tax Key Nos. 762-9992-003, 762-9991-003, 785-9999-003) (2nd Aldermanic District).

Background: As part of IKEA building project it was requested that the water main should loop to S. 27th Street. Walden OC, LLC is the property owner west of the Milwaukee County land and has agreed to approve a separate water main easement for the public water main. In order to construct the public water main a temporary construction easement is required. This easement will allow the grading and construction of the water main and box culvert. The easement will terminate at the completion of the construction project.

Fiscal Impact: None.

Prepared by:



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

Respectfully submitted,



Andrew Vickers, MPA
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

Approved by:



Ronald J. Pritzlaff, P.E.
Utility Engineer

RESOLUTION NO.11872-101717

RESOLUTION APPROVING A TEMPORARY CONSTRUCTION EASEMENT
BY AND BETWEEN WALDEN OC LLC AND THE CITY OF OAK CREEK
(2nd Aldermanic District)

BE IT RESOLVED that the Temporary Construction Easement (“Easement”) by and between Walden OC LLC and the City of Oak Creek 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.

BE IT FURTHER RESOLVED that the Easement is subject to technical corrections approved by the City Administrator and the City Attorney.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

Common Council President

Approved this 17th day of October, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Document Number	Document Title	
EASEMENT NO	_____	
PROJECT NO.	15023	
RESOLUTION NO.	_____	
ADDRESS NO.	7430, 7478, 7546 S 27 th St	Recording Area
GRANTOR(S)	WALDEN OC, LLC	
M/A	PO Box 1351 Milwaukee, WI 53201	Name and Return Address

762-9992-003, 762-9991-003, 785-9999-003

Parcel Identification Number (PIN)

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made this _____ day of October, 2017, by and between, WALDEN OC, LLC, PO Box 3151, Milwaukee, WI 53201, party of the first part, hereinafter referred to as "Grantor", and the City of Oak Creek, a Wisconsin municipal corporation, party of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

Grantor does hereby grant to the Grantee an easement to construct a water main and appurtenances in, under, over and across the real property of Grantors in the City of Oak Creek, County of Milwaukee and State of Wisconsin, as shown on Exhibit "A", and more particularly described as follows:

LEGAL DESCRIPTION

TO HAVE AND TO HOLD said easement unto the Grantee, and unto its successors and assigns until the termination of the easement or completion of the proposed water main.

The Grantee shall have the right to enter upon and to pass and repass over and along the aforesaid land whenever and wherever necessary for the purpose of grading and construction of the aforesaid water main and appurtenances thereto.

The Grantee agrees to restore or cause to have restored the property as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. However, the Grantee's obligation to restore the property does not apply to any structure, fence, hard surface paving of any type or configuration, trees, bushes, branches or roots which may interfere with the Grantee's use of the aforesaid easement.

The Grantee shall have the right to trim or remove any trees, bushes, branches or roots so as not to interfere with the grantees use of the aforesaid easement.

Structures, which are defined as anything constructed or erected, the use of which requires more or less permanent location on ground or attached to something having permanent location on the ground and fences, shall not be located over Grantee's facilities or in, upon or over the property within aforesaid easement without the prior written consent of the City Engineer.

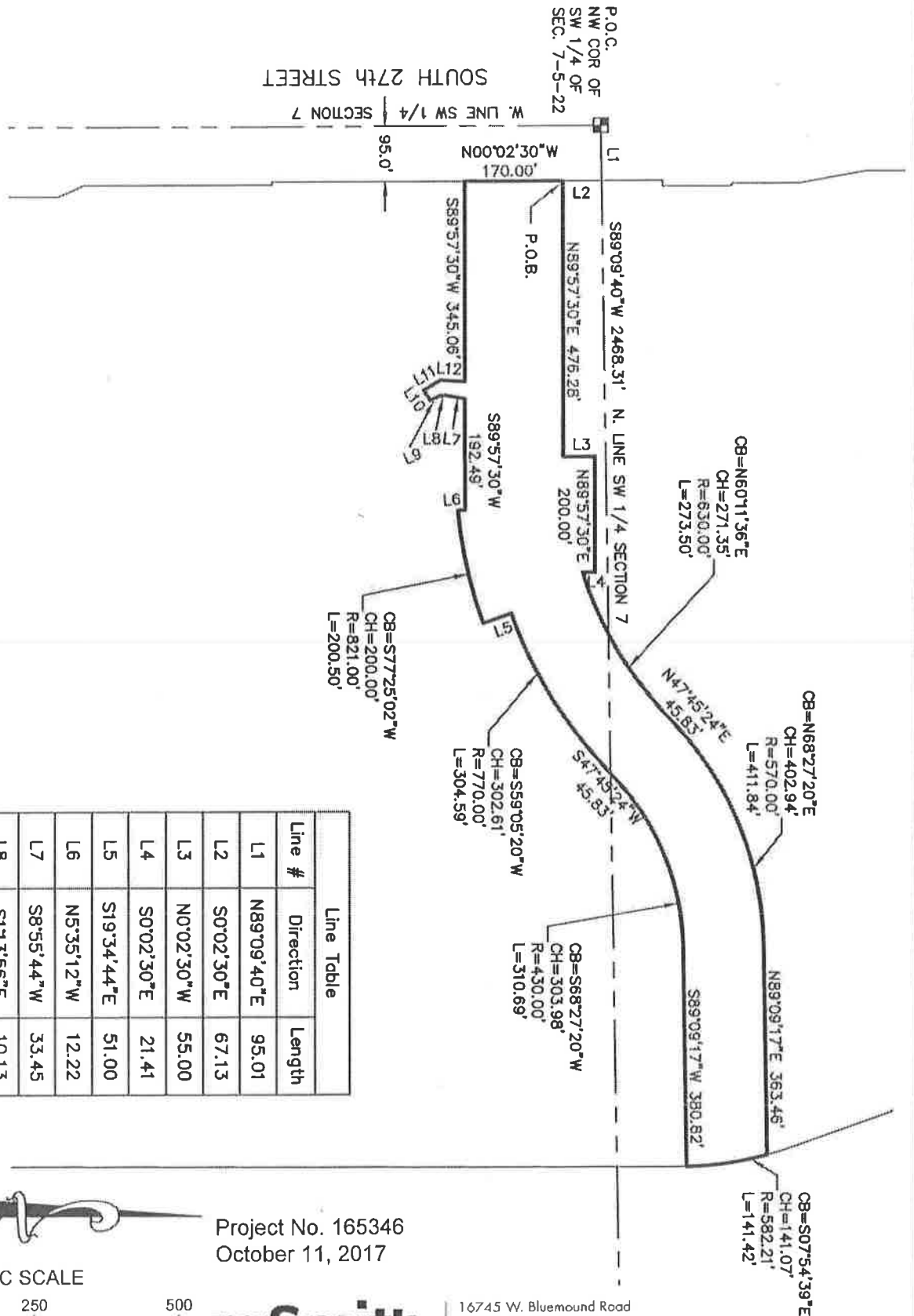
The aforesaid water main and appurtenances shall be maintained and kept in good order and condition at the expense of the Grantee.

The Grantor reserves the right, to themselves and to their heirs, personal representatives, successors and assigns, to have the full use and enjoyment of the aforesaid premises, except as to the rights herein granted.

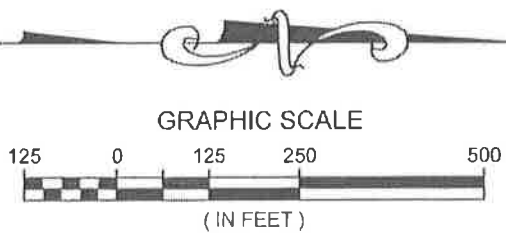
The easement herein conveyed shall terminate with the completion of the proposed water main construction.

The City shall and does hereby agree to indemnify and save harmless the Grantors, their heirs, personal representatives, successors and assigns, from any and all loss of damage to property or injury to or death of any and all persons, or from any suits, claims, liability or demand in connection therewith however caused, resulting directly or indirectly by reason of the installation, operation, maintenance, removal, use or existence of the aforesaid water main and appurtenances thereto.

TEMPORARY CONSTRUCTION EASEMENT



Line Table		
Line #	Direction	Length
L1	N89°09'40"E	95.01
L2	S0°02'30"E	67.13
L3	N0°02'30"W	55.00
L4	S0°02'30"E	21.41
L5	S19°34'44"E	51.00
L6	N5°35'12"W	12.22
L7	S8°55'44"W	33.45
L8	S11°3'56"E	10.13
L9	S23°37'26"E	18.18
L10	S55°30'49"W	20.89
L11	N29°52'13"W	33.47
L12	N3°09'52"E	42.68



Project No. 165346
October 11, 2017



16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

TEMPORARY CONSTRUCTION EASEMENT

Part of the Northwest 1/4 of the Southwest 1/4 of Section 7, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Southwest 1/4 Section; thence North 89°09'40" East along the North line of said 1/4 Section 95.01 feet to a point in the East line of South 27th Street; thence South 00°02'30" East along said East line 67.13 feet to the point of beginning of lands to be described; thence North 89° 57' 30" East 476.28 feet to a point; thence North 00° 02' 30" West 55.00 feet to a point; thence North 89° 57' 30" East 200.00 feet to a point; thence South 00° 02' 30" East 21.41 feet to a point; thence Northeasterly 273.50 feet along an arc of a curve, whose center lies the Northwest, whose radius is 630.00 feet and whose chord bears North 60° 11' 36" East 271.35 feet to a point; thence North 47° 45' 24" East 45.83 feet to a point; thence Northeasterly 411.84 feet along an arc of a curve, whose center lies the Southeast, whose radius is 570.00 feet and whose chord bears North 68° 27' 20" East 402.94 feet to a point; thence North 89° 09' 17" East 363.46 feet to a point; thence Northeasterly 141.42 feet along an arc of a curve whose center lies the Southwest, whose radius is 582.21 feet, and whose chord bears South 07° 54' 39" East 141.07 feet to a point; thence South 89° 09' 17" West 380.82 feet to a point; thence Southwesterly 310.69 feet along an arc of a curve, whose center lies the Southeast, whose radius is 430.00 feet and whose chord bears South 68° 27' 20" West 303.98 feet to a point; thence South 47° 45' 24" West 45.83 feet to a point; thence Southwesterly 304.59 feet along an arc of a curve whose center lies to the Northwest, whose radius is 770.00 feet and whose chord bears South 59° 05' 20" West 302.61 feet to a point; thence South 19° 34' 44" East 51.00 feet to a point; thence Southwesterly 200.50 feet along an arc of a curve whose center lies to the Northwest, whose radius is 821.00 feet and whose chord bears South 77° 25' 02" West 200.00 feet to a point; thence North 05° 35' 12" West 12.22 feet to a point; thence South 89° 57' 30" West 192.49 feet to a point; thence South 08° 55' 44" West 33.45 feet to a point; thence South 01° 13' 56" East 10.13 feet to a point; thence South 23° 37' 26" East 18.18 feet to a point; thence South 55° 30' 49" West 20.89 feet to a point; thence North 29° 52' 13" West 33.47 feet to a point; thence North 03° 09' 52" East 42.68 feet to a point; thence South 89° 57' 30" West 345.06 feet to a point in the East line of South 27th Street; thence North 00° 02' 30" West along said East line 170.00 feet to the point of beginning.

Said land contains 287,445 square feet or 6.5988 acres.

October 11, 2017

Northwestern Mutual

Drawing No. 164346-RMK

raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 23

Recommendation: That the Common Council considers a motion to award the IKEA Way Phase 3 Water Improvements unit price contract to the lowest responsive, responsible bidder, Super Excavators, Inc. at the estimated cost of \$674,189.00. (Project No. 15023)

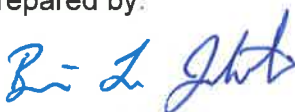
Background: Under authorization by the Common Council, the Engineering Department worked with design consultant R.A. Smith National for the regulatory permitting, and production of the plans, specifications and bid documents for the project. This project is the extension of the water main to loop the system from IKEA Way to S. 27th Street. As part of the project the box culvert structure is being constructed. This will allow access to cross the existing stream/wetland and serve the ultimate road design when Northwestern Mutual develops the property. This will also cover the wetland fill area that has been previously approved by DNR and ACOE. Upon contract award, the construction project would commence in the coming weeks and continue through the winter, with a completion target date of March 1, 2018.

This being a unit price contract, the bids were evaluated based upon estimated quantities. The project was advertised for public bid and the following bids were received on October 12, 2017:

Contractor	Bid
Super Excavators, Inc	\$674,189.00
RLP Diversified, Inc.	\$697,540.00
UPI, LLC	\$748,059.50
DK Contractors, Inc.	\$754,362.50
Mid-City Plumbing & Heating, Inc.	\$759,369.85
C.W. Purpero, Inc.	\$765,985.00
Globe Contractors, Inc.	\$921,489.50
Advanced Construction, Inc	\$933,814.50
Willkomm Excavating & Grading, Inc.	\$958,589.20

Fiscal Impact: Funding of the construction contract will be through bond funds reserved under Project No. 15023. In a separate agreement Northwestern Mutual will be funding the cost of the box culvert and riprap.

Prepared by:




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

Respectfully submitted:



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

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

City of Oak Creek Common Council Report

Meeting Date October 17, 2017

Item No.:

24

Recommendation: That the Common Council adopts Resolution No. 11866-101717, a resolution approving a storm water management practices maintenance agreement with Villa Healthcare, 3755 W. Chase Avenue, Skokie, IL 60076, for their Villa at Oak Creek development located at 2700 W. Honadel Boulevard. (Tax Key No. 831-9035) (2nd Aldermanic District)

Background: The proposed Villa at Oak Creek located at 2700 W. Honadel Boulevard requires onsite storm water management practices in accordance with Sections 13.100 through 13.114 of the Municipal Code. Section 13.109 of the Municipal Code requires a maintenance agreement between the City and the permittee for the future maintenance of the required storm water management practices.

Fiscal Impact: None. The owner is responsible for all costs per the Storm Water Management Practices maintenance agreement.

Prepared by:



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

Respectfully submitted:



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

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11866-101717

BY: _____

RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT FOR THE VILLA AT OAK CREEK LOCATED AT 2700 W. HONADEL BLVD.

(TAX KEY NO. 831-9035)

(2ND ALDERMANIC DISTRICT)

WHEREAS, Villa Healthcare (Owner), requires onsite storm water management practices for their proposed Villa at Oak Creek located at 2700 W. Honadel Boulevard, and,

WHEREAS, the City requires that the Owner enter into a Storm Water Management Practices Maintenance Agreement, and,

WHEREAS, the required Storm Water Management Practices Maintenance Agreement has been prepared and signed by the Owner,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Storm Water Management Practices Maintenance Agreement, as signed by the Owner, is hereby approved by the City.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to execute the attached agreement on behalf of the Common Council of the City of Oak Creek and upon execution by both the City of Oak Creek and the Owner, the City Attorney is hereby authorized and directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

Document Number	THE VILLA AT OAK CREEK 2700 W. Honadel Blvd. Storm Water Management Practices Maintenance Agreement Document Title
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Recording Area

Michael C. Simmons
 Engineering Department
 8040 S. 6th Street
 Oak Creek, WI 53154
 Name and Return Address

831-9035

Parcel Identification Number (PIN)

**STORM WATER MANAGEMENT PRACTICES
MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this 4th day of October, 2017, by and between Villa Healthcare, 3755 W. Chase Avenue, Skokie, IL 60076, hereinafter called the "Owner", and the City of Oak Creek, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Oak Creek, County of Milwaukee, State of Wisconsin, to-wit:

That part of the Southwest ¼ of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Lot 1 of Certified Survey Map No. 8770

hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as The Villa at Oak Creek located at 2700 W. Honadel Boulevard, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site storm water management practices within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Oak Creek, require that on-site storm water management practices as defined in Section 13.103 of the Oak Creek Municipal Code be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water management practices shall be constructed by the Owner, its successors and assigns, including any homeowners association, in accordance with the plans and specifications identified in the Plan. The storm water management practices shall serve the drainage area designated in the Plan.
2. The Owner, its successors and assigns, including any homeowners association, shall regularly inspect the storm water management practices as often as conditions require, but in any event at least once each year. The standard Operation and Maintenance Report attached to this agreement as Exhibit A and by this reference made a part hereof shall be used for the purpose of the regular inspections of the storm water management practices. The Owner, its successors and assigns shall keep the Operation and Maintenance Reports from past inspections as well as a log of maintenance activity indicating the date and type of maintenance completed. The Reports and maintenance log shall be made available to the City for review. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all facilities including but not limited to berms, outlet structures, subsurface structures, infiltration areas, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report.
3. The Owner, its successors and assigns, including any homeowners association, shall adequately maintain the storm water management practices, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the storm water management facilities in good working condition so that these facilities are performing their design functions and are in accordance with the Detention Basin Maintenance Standards attached to this agreement as Exhibit B and by this reference made a part hereof.
4. The Owner, its successors and assigns, including any homeowners association, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the storm water management practices whenever the City deems necessary. The purpose of inspection is to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, including any homeowners association, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
5. If the Owner, its successors and assigns, including any homeowners association, fails to maintain the storm water management practices in good working condition acceptable to the City and does not perform the required corrective actions in the specified time, the City may:
 - a) Issue a citation to the Owner, its successors and assigns. The penalty for violation of this section shall be not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns for the cost of such work. The cost of such work shall be specially assessed against the Property pursuant to Wisconsin Statutes Section 66.0703. If the facilities are located on an outlot owned collectively by a homeowners association, the City may assess each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow

the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the storm water management practices. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. The Owner, its successors and assigns, including any homeowners association, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the storm water management practices (including sediment removal) is outlined on the approved plans, the schedule will be followed. The minimal amount of maintenance on the storm water management practices shall be in accordance with the Detention Basin Maintenance Standards (Exhibit B).
7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, including any homeowners association, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.
8. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to hold the City harmless from any liability in the event the storm water management practices fail to operate properly.
9. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the storm water management practices and be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the storm water management practices.



EXHIBIT A OPERATION AND MAINTENANCE INSPECTION REPORT STORM WATER MANAGEMENT PONDS

Inspector Name: _____

Tax Key No.: _____

Inspection Date: _____

Location: _____

Detention Basin Type: Wet Pond ___ Underground ___
 Extended Dry ___ Bioretention ___
 Artificial Wetland ___

Watershed _____

Items Inspected (Pond components)	Checked (Yes/ No/ NA)	Maintenance Needed (Yes/ No/ NA)	Remarks
Embankment and Emergency spillway			
1. Trash and debris			
2. Vegetation and ground cover adequate			
3. Embankment erosion			
4. Animal burrows			
5. Unauthorized plantings/tree growth			
6. Cracking, bulging, or sliding of embankment			
a. Upstream face and toe of slope			
b. Downstream face and toe of slope			
7. Settlement			
8. Seeps/leaks on downstream face			
9. Emergency spillway			
a. Clear of trash and debris			
b. Settlement			
c. Slope protection or riprap failures			
10. Other (specify)			
Inlet/Outlet Structures			
Type: Pipe (RCP/CMP/Plastic)			
Stand pipe/inlet box with orifice			
Weir (V-notch/Rectangular)			
Other _____			
1. Erosion/scouring/undermining at inlet or outlet			
2. Primary outlet structure			
a. Debris or sediment removal necessary			
b. Damaged			
c. Orifice plate damaged, out of place or missing			
3. Trash rack/hood maintenance			
a. Trash or debris removal necessary			
b. Damaged or missing			
c. Corrosion/rust control			
Pond Bottom/Pool Area			
1. Sediment accumulation (estimate depth)			
2. Water level at normal pool elevation			
3. Oil sheen on water			

EXHIBIT B
DETENTION BASIN MAINTENANCE STANDARDS

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
Side Slopes and Embankments	Trash & Debris	Any visual evidence of dumping, trash or debris.	Trash and debris cleared from site.
	Unmowed vegetation/ Ground Cover	Unless designated by the Common Council as a nature center or wildlife preserve, if the facility is located in a platted subdivision, multi-family apartment complex, planned development or a mobile home district, mowing is needed when vegetation exceeds 6 inches in height. In all other areas, mowing is needed when vegetation exceeds one foot in height. Mowed vegetation should be removed from areas where it could enter the pond, either when the pond level rises or by rainfall runoff.	When mowing is needed, grass/ground cover should be mowed to 2 inches in height. Trees and bushes should be removed where they interfere with pond maintenance activities; that is, at the inlet, outlet and near engineered structures. Nature centers and wildlife preserves should follow the maintenance guidelines in the approving resolution and approved storm water management plan.
	Rodent Holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm via rodent holes.	Rodents destroyed and dam or berm repaired.
	Tree Growth	Tree growth does not allow maintenance access or interferes with maintenance activity (i.e., slope mowing, silt removal or equipment movements).	Trees do not hinder maintenance activities.
	Erosion	Eroded damage over 2 inches deep where cause of damage is still present or where there is potential for continued erosion.	Slopes should be stabilized by using appropriate erosion control measures; e.g., rock rip-rap, planting of grass, erosion mat, compaction.
Inlet/ Outlet Pipe	Debris and Sediment	Sediment and/or debris clogging more than 10% of the pipe opening.	No clogging or blockage in the inlet and outlet piping.
	Damaged	Rust is causing more than 50% deterioration to any part of metal pipes, cracks in plastic pipe or cracks or exposed rebar in concrete pipes.	Pipe repaired or replaced.
		Any dent that decreases the cross section area of pipe by more than 10% or retards the flowage of water.	Pipe repaired or replaced.
	Erosion/Scouring	Eroded or scoured bottom at inlet or outlet pipes; undermining of structure or end section.	Area should be stabilized by using appropriately sized rock rip-rap.
	Damaged or Missing Orifice Plate	Control device is not working properly due to missing, out of place, or bent orifice plate.	Plate is in place and works as designed.
	Orifice Plate Obstructions	Any trash, debris, sediment, or vegetation blocking the plate.	Plate is free of all obstructions and works as designed.
Trash Racks/Hoods	Trash and Debris	Trash or debris that is plugging more than 20% of the openings in the barrier.	Barrier clear to receive capacity flow.
	Damaged/ Missing Bars or Hood.	Bars or hood are bent out of shape more than 3 inches.	Bars in place with no bends more than 3/4 inch.
		Bars are missing or entire barrier missing.	Bars in place according to design.
		Bars are loose and rust is causing 50% deterioration to any part of barrier.	Repair or replace barrier to design standards.
Pool Area	Sediment Accumulation in Pond Bottom	Sediment accumulations in pond bottom that exceeds the design sediment depth.	Sediment cleaned out to designed pond shape and depth; pond reseeded if necessary to control erosion.
	Water Level	Water level does not drain down to normal designed pool elevation.	Check outlet structure and downstream conveyance system for obstructions.
	Oil Sheen on Water	Prevalent and visible oil sheen.	Remove oil from water by use of oil-absorbent pads or by vacator truck. Refer problem to locate source and correct.
Emergency Overflow/Spillway and Dikes	Settlements	Any part of these components that has settled 4-inches lower than the design elevation, or inspector determines dike/ berm is unsound.	Dike should be built back to the design elevation and repaired to specifications.
	Rock Missing	Only one layer of rock exists above native soil in area five square feet or larger, or any exposure of native soil at the top emergency spillway.	Replace rocks to design standards.

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 25

Recommendation: That the Common Council considers a motion to enter into a Local/County Agreement with Milwaukee County for cost sharing of the county's 13th Street reconstruction project. (1st & 2rd Aldermanic Districts)

Background: Milwaukee County plans to reconstruct 13th Street (CTH V) from Drexel Avenue to Rawson Avenue in 2018. There are a few work items that will not be covered fully by the federal grant, nor by Milwaukee County funds. These items pertain to municipality-owned local facilities that must be worked on under the reconstruction project. This agreement outlines these cost responsibilities.

Work that would be the city's cost share responsibility includes:

1. Emergency vehicle preemption (EVP) for the traffic signals at Drexel/13th.
Estimated local (20%) cost share is \$2,351.75
2. Sanitary sewer manhole and water valve adjustments.
Estimated local (100%) cost share is \$31,280.00

Total estimated local cost share is \$33,631.75.

It is common under these intergovernmental projects that required local facility work is charged back to the municipality.

Total estimate for the full road reconstruction project is \$4.8 million.

Fiscal Impact: There is currently sufficient funding reserved for the EVP work. The Water & Sewer Utility would pay the estimated \$31,280.00 for the sewer and water work.

Prepared by:



Michael C. Simmons, P.E.
City Engineer

Respectfully submitted:



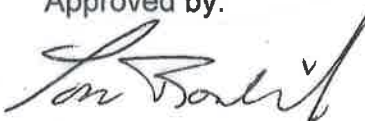
Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Ron Pritzlaff, P.E.
Utility Engineer

Approved by:



Tom Rosandich
Fire Chief

Fiscal review by:

A handwritten signature in black ink, appearing to read 'Bridget M. Souffrant', written over a horizontal line.

Bridget M. Souffrant, CMTW
Finance Director/Comptroller



**LOCAL/COUNTY AGREEMENT
FOR A
HIGHWAY IMPROVEMENT PROJECT**

DATE: October 9, 2017
ID: WH010162 (Milwaukee County)
2505-00-73 (Wisconsin Department of Transportation)
HIGHWAY: CTH V (S. 13th St.)
LIMITS: W. Drexel Ave. to W. Rawson Ave.

THIS AGREEMENT is made and entered into and between Milwaukee County, a body corporate, and the City of Oak Creek, a municipal corporation.

The portion of S. 13th St. from W. Drexel Ave. to W. Rawson Ave. has been designated County Trunk Highway "V" pursuant to Section 83.025 of the Wisconsin Statutes.

The County has budgeted funds for the improvement of CTH "V" with construction anticipated to begin in 2018.

The Milwaukee County Department of Transportation (MCDOT), hereinafter called the County, through its undersigned duly authorized officers or officials, hereby requests the City of Oak Creek, hereinafter called the Municipality, to participate in the street improvements hereinafter described in the estimated cost summary.

The authority for the Municipality to enter into this agreement with the County is provided by Section 86.25(1), (2) and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility – Describe and give reason for request:

S. 13th St. (CTH V) is a combination of an urban and rural type roadway. To increase the service life of the pavement structure and improve the safety and operation of S. 13th St. (CTH V) is the reason for this request.

Proposed Improvement – Nature of work:

The roadway is scheduled for reconstruction by the County. The roadway would be reconstructed to the same cross section with the addition of bicycle accommodations and sidewalks on both sides of the street. Bicycles would be accommodated on a widened lane or on a paved shoulder. Sidewalks would be provided on the both sides of the roadway.

As requested by the municipality, sanitary sewer and watermain facility work and the emergency vehicle preemption (EVP) work will be included with the S. 13th St. (CTH V) proposed improvement project designated in the project as Categories 0010 and 0020.

**Project No. WH010612 (2505-00-73)
S. 13th St. (CTH V)-W. Drexel Ave. to W. Rawson Ave.
ESTIMATED COST SUMMARY***

CONSTRUCTION ESTIMATED COSTS (SEE TABLES BELOW):

• **CATEGORY 0010- CITY OF OAK CREEK EMERGENCY VEHICLE PREEMPTION**

Item No.	Item Description	Unit	Estimated Quantity	Estimated Unit Cost	Total Estimated Cost**
CATEGORY 0010- CITY OF MILWAUKEE EMERGENCY VEHICLE PREEMPTION (EVP) WORK					
655.0900	Traffic Signal EVP Detector Cable	LF	700	\$1.75	\$1,225.00
SPV.0105.03	Emergency Vehicle Preemption System S 13 th St & W Drexel Ave	LS	1	\$9,000.00	\$9,000.00

Estimated Construction Cost of City of Oak Creek EVP Work (20%): 2,045.00**
+15% Engineering & Contingencies: \$306.75**
Total Category 0010 City of Oak Creek Estimated Costs: \$2,351.75**

• **CATEGORY 0020- CITY OF OAK CREEK SANITARY SEWER & WATERMAIN FACILITY WORK**

Item No.	Item Description	Unit	Estimated Quantity	Estimated Unit Cost	Total Estimated Cost
CATEGORY 0020-CITY OF OAK CREEK SANITARY SEWER & WATERMAIN FACILITY WORK					
611.0420	Reconstructing Manholes	EACH	2	\$1,200.00	\$2,400.00
611.8110	Adjusting Manholes	EACH	19	\$350.00	\$6,650.00
SPV.0060.08	Internal Sanitary Manhole Seals	EACH	21	\$400.00	\$8,400.00
SPV.0060.11	Adjusting Water Valve Boxes	EACH	39	\$250.00	\$9,750.00

Estimated Construction Cost of City of Oak Creek Facility Work (100%): \$27,200.00
+15% Engineering & Contingencies: \$4,080.00
Total Category 0020 City of Oak Creek Estimated Costs: \$31,280.00

TOTAL Estimated Construction Costs (Categories 0010 and 0020): \$29,245.00
+15% Construction Engineering & Contingencies: \$4,386.75
TOTAL City of Oak Creek Estimated Project Costs: \$33,631.75

* The above costs reflect the County's best estimates to-date. The actual number of units installed may vary from this estimate depending on field conditions. The Municipality will be billed for each item at the actual construction cost.

**The total estimated cost of the Municipality Emergency Vehicle Preemption System is \$11,758.75. The estimated total price of \$2,351.75 is based on the current estimated Federal funding share of 80% where the Municipality is responsible for the 20% share, including Engineering & Contingencies. If the total construction costs exceed the allowable maximum amount of Federal funding available for the project, the Municipality may have adjustments to their share based on actual costs.

This agreement is subject to the terms and conditions that follow and is executed by the undersigned under proper authority to execute such an agreement for the designated Municipality and upon acceptance by the County shall constitute an agreement between the Municipality and the County.

Signed for and on behalf of Milwaukee County:

_____	Interim Director, Department of Transportation	_____
Signature	Title	Date

James Martin		
Name (Written Clearly)		

Signed for and on behalf of the City of Oak Creek:

_____	Mayor	_____
Signature	Title	Date

Daniel Bukiewicz		
Name (Written Clearly)		

-Terms and Conditions Begin on the Next Page-

TERMS AND CONDITIONS

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal, State and County regulations.
2. The Municipality will pay to the County such related costs for items as outlined below and listed in the Estimated Cost Summary.
3. Funding of each project phase (preliminary engineering, real estate, construction, other) is subject to inclusion in an approved program. County financing will be limited to participation in the costs of the following items as specified in the Estimated Cost Summary:
 - a. Preliminary Engineering and review services (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - b. The grading, base, pavement, and curb and gutter (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main, if required (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - d. Construction Engineering incidental to inspection and supervision of actual construction work (100%), unless otherwise agreed as specified in the Estimate Cost Summary.
 - e. Signing and pavement marking, including detour routes (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - f. Surfacing of private driveways due to change in grade of the improvement (100%), unless otherwise agreed as specified in the Estimate Cost Summary.
 - g. New installations or alterations of traffic signals (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - h. Real Estate for the improvement, if required (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - i. Installation of new sidewalk required for the project to meet Federal funding requirements or replacement of any sidewalk removed as a result of a change in street grade (100%) or condition to meet ADA requirements, unless otherwise agreed as specified in the Estimated Cost Summary.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the County) includes, but is not limited to, the following items:
 - a. New installations of or alterations of sanitary sewers or connections, water, gas, electric, telephone, telegraph, fiber optic, fire or police alarm facilities, parking meters, pipelines, and similar utilities.
 - b. Repair of damages to roads and streets caused by reason of their use in hauling materials incidental to the improvement.
 - c. New installations of or alterations of sidewalks that do not meet the conditions defined in 3i above, unless agreed as specified in the Estimated Cost Summary.
5. As the work progresses, the Municipality will be billed for work completed as outlined above and as listed in the Estimated Cost Summary. Upon completion of the project, a final audit will be made to determine the final division of costs.

6. If the Municipality should withdraw from the project, it will reimburse the County its proportionate local share of all construction and construction engineering costs incurred by the County to complete the construction phase of the project, up to the date the notification of withdrawal is received by the County.
7. The work will be administered by the County or its designee and may include items not eligible for County participation. The County shall notify the Municipality of such items prior to inclusion of the work and get written authorization for their inclusion and cost participation by the Municipality.
8. The Municipality at its own cost and expense and using its own labor forces and equipment will:
 - a. Prohibit angle parking.
 - b. Regulate parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - c. Regulate parking at all times in the vicinity of the proposed improvements during their construction.
 - d. Remove, reinstall and/or relocate street lighting poles, bases, luminaries, and other appurtenances necessary to accommodate the proposed improvement, including coordinating work, unless otherwise agreed as specified in the Estimated Cost Summary.

(End of Document)

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 26

Recommendation: That the Common Council considers a motion to enter into a Local/County Agreement with Milwaukee County for cost sharing of the county's intersection improvement projects at 6th/Rawson and 10th/Rawson. (1st Aldermanic District)

Background: Milwaukee County plans to construct intersection improvements at 6th/Rawson and 10th/Rawson in 2018. The improvements include turn lane expansions, better signage and visibility, and new traffic signals with revised cycle timing. Rawson Avenue is CTH BB.

The local work that the city would have some cost responsibility for is replacement emergency vehicle preemption (EVP) at 6th/Rawson and first-time EVP installation at 10th/Rawson. Due to Federal funding on the projects, the agreement provides that the city would be responsible for just 10% of the EVP costs. This comes to an estimated \$2,529.85.

Fiscal Impact: There is currently sufficient funding reserved for the EVP work.

Prepared by:



Michael C. Simmons, P.E.
City Engineer

Respectfully submitted:



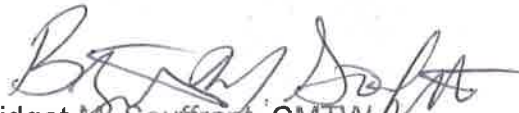
Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Tom Rosandich
Fire Chief

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller



**LOCAL/COUNTY AGREEMENT
FOR A
HIGHWAY IMPROVEMENT PROJECT**

DATE: October 9, 2017
ID: WH094012 (Milwaukee County)
2050-05-71 (Wisconsin Department of Transportation)
HIGHWAY: CTH BB (W. Rawson Ave.)
LIMITS: Intersection with S. 10th St. and S. 6th St.

THIS AGREEMENT is made and entered into and between Milwaukee County, a body corporate, and the City of Oak Creek, a municipal corporation.

The portion of W. Rawson Ave. at the intersections of S. 10th St. and S. 6th St. has been designated County Trunk Highway "BB" pursuant to Section 83.025 of the Wisconsin Statutes.

The County has budgeted funds for the improvement of CTH "BB" with construction anticipated to begin in 2018.

The Milwaukee County Department of Transportation (MCDOT), hereinafter called the County, through its undersigned duly authorized officers or officials, hereby requests the City of Oak Creek, hereinafter called the Municipality, to participate in the street improvements hereinafter described in the estimated cost summary.

The authority for the Municipality to enter into this agreement with the County is provided by Section 86.25(1), (2) and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility – Describe and give reason for request:

The existing traffic signals on W. Rawson Ave. (CTH BB) at the intersections of S. 10th St. and S. 6th St. are in need of upgrades to improve safety and this is the reason for this project.

Proposed Improvement – Nature of work:

The proposed improvement includes modification of the left turn lanes at S. 6th St., installing overhead per lane signal indications (monotubes) at S. 10th St. and S. 6th St. intersections, improving visibility and traffic signal progression/flow. In addition, pavement marking and signage will be improved near the intersections to better direct drivers to their destination.

As requested by the municipality, the installation of the emergency vehicle preemption (EVP) will be included with the W. Rawson Ave. (CTH BB) proposed improvement project designated as Category 0010.

**Project No. WH094012 (2050-05-71)
W. Rawson Ave. (CTH BB) Intersections with S. 10th St. and S. 6th St.
ESTIMATED COST SUMMARY***

CONSTRUCTION ESTIMATED COSTS (SEE TABLES BELOW):

• **CATEGORY 0010- CITY OF OAK CREEK EMERGENCY VEHICLE PREEMPTION**

Item No.	Item Description	Unit	Estimated Quantity	Estimated Unit Cost	Total Estimated Cost**
CATEGORY 0010- CITY OF MILWAUKEE EMERGENCY VEHICLE PREEMPTION (EVP) WORK					
655.0900	Traffic Signal EVP Detector Cable	LF	2285	\$1.75	\$3,998.75
SPV.0105.05	Emergency Vehicle Preemption System Rawson & 10 th	LS	1	\$9,000.00	\$9,000.00
SPV.0105.06	Emergency Vehicle Preemption System Rawson & 6 th	LS	1	\$9,000.00	\$9,000.00

Estimated Construction Cost of City of Oak Creek EVP Work (10%): **2,199.87****
+15% Engineering & Contingencies: **\$329.98****
Total Category 0010 City of Oak Creek Estimated Costs: **\$2,529.85****

* The above costs reflect the County's best estimates to-date. The actual number of units installed may vary from this estimate depending on field conditions. The Municipality will be billed for each item at the actual construction cost.

**The total estimated cost of the Municipality Emergency Vehicle Preemption System is \$25,298.56. The estimated total price of \$2,529.85 is based on the current estimated Federal funding share of 90% where the Municipality is responsible for the 10% share, including Engineering & Contingencies. If the total construction costs exceed the allowable maximum amount of Federal funding available for the project, the Municipality may have adjustments to their share based on actual costs.

This agreement is subject to the terms and conditions that follow and is executed by the undersigned under proper authority to execute such an agreement for the designated Municipality and upon acceptance by the County shall constitute an agreement between the Municipality and the County.

Signed for and on behalf of Milwaukee County:

_____	Interim Director, Department of Transportation	_____
Signature	Title	Date
James Martin		

Name (Written Clearly)		

Signed for and on behalf of the City of Oak Creek:

_____	Mayor	_____
Signature	Title	Date
Daniel Bukiewicz		

Name (Written Clearly)		

-Terms and Conditions Begin on the Next Page-

TERMS AND CONDITIONS

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal, State and County regulations.
2. The Municipality will pay to the County such related costs for items as outlined below and listed in the Estimated Cost Summary.
3. Funding of each project phase (preliminary engineering, real estate, construction, other) is subject to inclusion in an approved program. County financing will be limited to participation in the costs of the following items as specified in the Estimated Cost Summary:
 - a. Preliminary Engineering and review services (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - b. The grading, base, pavement, and curb and gutter (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main, if required (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - d. Construction Engineering incidental to inspection and supervision of actual construction work (100%), unless otherwise agreed as specified in the Estimate Cost Summary.
 - e. Signing and pavement marking, including detour routes (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - f. Surfacing of private driveways due to change in grade of the improvement (100%), unless otherwise agreed as specified in the Estimate Cost Summary.
 - g. New installations or alterations of traffic signals (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - h. Real Estate for the improvement, if required (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - i. Installation of new sidewalk required for the project to meet Federal funding requirements or replacement of any sidewalk removed as a result of a change in street grade (100%) or condition to meet ADA requirements, unless otherwise agreed as specified in the Estimated Cost Summary.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the County) includes, but is not limited to, the following items:
 - a. New installations of or alterations of sanitary sewers or connections, water, gas, electric, telephone, telegraph, fiber optic, fire or police alarm facilities, parking meters, pipelines, and similar utilities.
 - b. Repair of damages to roads and streets caused by reason of their use in hauling materials incidental to the improvement.
 - c. New installations of or alterations of sidewalks that do not meet the conditions defined in 3i above, unless agreed as specified in the Estimated Cost Summary.
5. As the work progresses, the Municipality will be billed for work completed as outlined above and as listed in the Estimated Cost Summary. Upon completion of the project, a final audit will be made to determine the final division of costs.

6. If the Municipality should withdraw from the project, it will reimburse the County its proportionate local share of all construction and construction engineering costs incurred by the County to complete the construction phase of the project, up to the date the notification of withdrawal is received by the County.
7. The work will be administered by the County or its designee and may include items not eligible for County participation. The County shall notify the Municipality of such items prior to inclusion of the work and get written authorization for their inclusion and cost participation by the Municipality.
8. The Municipality at its own cost and expense and using its own labor forces and equipment will:
 - a. Prohibit angle parking.
 - b. Regulate parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - c. Regulate parking at all times in the vicinity of the proposed improvements during their construction.
 - d. Remove, reinstall and/or relocate street lighting poles, bases, luminaries, and other appurtenances necessary to accommodate the proposed improvement, including coordinating work, unless otherwise agreed as specified in the Estimated Cost Summary.

(End of Document)

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

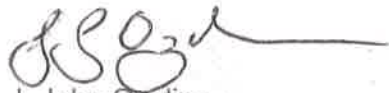
Item No.: 27

Recommendation: That the Common Council approve Resolution No. 11861-101717, accepting the workmanship and authorizing final payment to D.F. Tomasini Contractors, Inc., for Project No. 15023. This project involved the installation of street improvements in S. 20th Street (2nd Aldermanic District)

Background: This project was authorized by the Common Council as part of the Capital Improvement Program, and was awarded on November 3, 2015.

Fiscal Impact: Final payment of \$80,249.60 is to be paid with CIP provided funding.

Prepared by:



J. John Ozolins
Senior Engineering Technician

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Michael C. Simmons, PE
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11861-101717

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
D.F. TOMASINI CONTRACTORS, INC.
AND AUTHORIZING FINAL PAYMENT**

**S. 20th STREET
STREET IMPROVEMNTS**

PROJECT NO. 15023

(2nd ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and D.F. Tomasini Contractors, Inc., hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 15023 for the installation of street improvements in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$1,430,700.60; and,

WHEREAS, said total final contract price has been determined to be \$1,432,283.17 as computed by the City Engineer using actual quantities, as measured, additions and deletions to the contract, and contract unit prices; and,

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

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

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$80,249.60.

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

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

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on the street improvement installation for a period of 12 months after the acceptance

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

BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$80,249.60 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

FINAL PROJECT PAYMENT COST BREAKDOWN

CITY PROJECT NO. **15023**

PROJECT LOCATION: 20th Street

PROJECT DESCRIPTION: Street Construction

GENERAL CONTRACTOR: DF Tomasini

CONTRACT BID AMOUNT: \$ 1,430,700.60

AUTHORIZED ADDITIONS TO ORIGINAL CONTRACT AMOUNT: \$ 121,366.39

REVISED CONTRACT AMOUNT: \$ 1,552,066.99

AS-BUILT PROJECT COST: \$ 1,432,283.17

AMOUNT OVER/UNDER ORIGINAL CONTRACT AMOUNT: \$ 1,582.57

AMOUNT PAID TO DATE: \$ 1,352,033.57

AMOUNT DUE FINAL PAYMENT: \$ 80,249.60

COUNCIL MEETING DATE:

COUNCIL RESOLUTION NO.

11861-101717

Awarded On: Nov.11, 2015

PREPARED BY: J. John Ozolins
Senior Engineering Technician

DATE PREPARED: October 4, 2017

APPROVED FOR PAYMENT BY: Brian Johnston, PE
Assistant City Engineer

DATE APPROVED: October 4, 2017

FINAL PROJECT PAYMENT COST BREAKDOWN

PROJECT NO. **15023**
 LOCATION: 20th Street
 DESCRIPTION: Street Construction

PREPARED BY: J. John Ozolins
 Senior Engineering Technician
 DATE PREPARED: January 0, 1900

BID ITEM	BID ITEM DESCRIPTION	BID AMOUNT	AS-Built AMOUNT	UNIT PRICE	BID PRICE	AS-BUILT COST	OVER/ UNDER
1	Stone Tracking Pad	1	1	\$ 2,242.00	\$ 2,242.00	\$ 2,242.00	\$ -
2	Tree Protection Fence	97	0	\$ 2.00	\$ 194.00	\$ -	\$ (194.00)
3	Inlet Protection Type "A"	1	0	\$ 150.00	\$ 150.00	\$ -	\$ (150.00)
4	Inlet Protection Type "B"	4	0	\$ 45.00	\$ 180.00	\$ -	\$ (180.00)
5	Inlet Protection Type "D"	14	14	\$ 100.00	\$ 1,400.00	\$ 1,400.00	\$ -
6	Silt Fence	1873	1873	\$ 1.25	\$ 2,341.25	\$ 2,341.25	\$ -
7	Erosion Bale Ditch Check	5	1	\$ 125.00	\$ 625.00	\$ 125.00	\$ (500.00)
8	Medium Rip Rap	284	100	\$ 6.00	\$ 1,704.00	\$ 600.00	\$ (1,104.00)
9	Heavy Rip Rap	360	400	\$ 6.00	\$ 2,160.00	\$ 2,400.00	\$ 240.00
10	Erosion Mat, Light Duty-Urban Class I	2620	4000	\$ 1.30	\$ 3,406.00	\$ 5,200.00	\$ 1,794.00
11	Erosion Mat, Medium Duty, Coconut	1890	1890	\$ 2.15	\$ 4,063.50	\$ 4,063.50	\$ -
12	Mulch	1420	2420	\$ 0.35	\$ 497.00	\$ 847.00	\$ 350.00
13	Tree Removal	153	153	\$ 18.14	\$ 2,775.42	\$ 2,775.42	\$ -
14	Clearing & Grubbing (Approx 0.78 AC)	1	1	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ -
15	Hydrant Removal	1	1	\$ 250.00	\$ 250.00	\$ 250.00	\$ -
16	Pavement Removal	608	608	\$ 1.37	\$ 832.96	\$ 832.96	\$ -
17	Concrete Apron Removal	429	429	\$ 2.74	\$ 1,175.46	\$ 1,175.46	\$ -
18	60" Conc. Curb & Gutter Removal	435	435	\$ 1.99	\$ 865.65	\$ 865.65	\$ -
19	Culvert & End Section Removal	21	21	\$ 22.19	\$ 465.99	\$ 465.99	\$ -
20	Catch Basin Removal	3	2	\$ 250.00	\$ 750.00	\$ 500.00	\$ (250.00)
21	Full Depth Pavement Sawcut	487	480	\$ 1.82	\$ 886.34	\$ 873.60	\$ (12.74)
22	Strip Topsoil, Stockpile, Respread (3000 CY)	1	1	\$ 21,300.00	\$ 21,300.00	\$ 21,300.00	\$ -
23	Common Excavation (Est. 4700 CY)	1	1	\$ 58,000.00	\$ 58,000.00	\$ 58,000.00	\$ -
24	Marsh Excavation (Est. 7900 CY)	1	1	\$ 70,000.00	\$ 70,000.00	\$ 70,000.00	\$ -
25	Excavation Below Subgrade	500	112.5	\$ 13.36	\$ 6,680.00	\$ 1,503.00	\$ (5,177.00)
26	12" PVC Sanitary Sewer, SDR 35, 3/4" TB	921	891	\$ 110.00	\$ 101,310.00	\$ 98,010.00	\$ (3,300.00)
27	Sanitary Sewer Manhole, 48"	4	4	\$ 3,750.00	\$ 15,000.00	\$ 15,000.00	\$ -
28	Connect To Existing Sanitary Sewer	1	1	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ -
29	Sanitary Sewer MH Casting Adjustment	2	2	\$ 850.00	\$ 1,700.00	\$ 1,700.00	\$ -
30	12" PVC Watermain, 3/4" TB Backfill	941	938	\$ 90.00	\$ 84,690.00	\$ 84,420.00	\$ (270.00)
					\$ 390,244.57	\$ 381,490.83	\$ (8,753.74)

FINAL PROJECT PAYMENT COST BREAKDOWN

PROJECT NO. **15023**
 LOCATION: 20th Street
 DESCRIPTION: Street Construction

PREPARED BY: J. John Ozolins
 Senior Engineering Technician
 DATE PREPARED: January 0, 1900

BID ITEM	BID ITEM DESCRIPTION	BID AMOUNT	AS-Built AMOUNT	UNIT PRICE	BID PRICE	AS-BUILT COST	OVER/ UNDER
31	8" PVC Watermain, 3/4" TB Backfill	240	130	\$ 85.00	\$ 20,400.00	\$ 11,050.00	\$ (9,350.00)
32	6" Hydrant Lead, 3/4" TB Backfill	24	16	\$ 175.00	\$ 4,200.00	\$ 2,800.00	\$ (1,400.00)
33	12" Gate Valve & Box	3	3	\$ 3,000.00	\$ 9,000.00	\$ 9,000.00	\$ -
34	8" Gate Valve & Box	3	3	\$ 2,000.00	\$ 6,000.00	\$ 6,000.00	\$ -
35	6" Gate Valve & Box	1	1	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ -
36	Hydrant	3	2	\$ 3,500.00	\$ 10,500.00	\$ 7,000.00	\$ (3,500.00)
37	Connect To Existing Watermain	1	1	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ -
38	10" Corrugated HDPE Storm	224	0	\$ 45.00	\$ 10,080.00	\$ -	\$ (10,080.00)
39	12" Corrugated HDPE Storm	20	0	\$ 0.01	\$ 0.20	\$ -	\$ (0.20)
40	12" Storm Sewer, RCP	408	179.1	\$ 70.00	\$ 28,560.00	\$ 12,537.00	\$ (16,023.00)
41	15" Storm Sewer, RCP	49	79.6	\$ 75.00	\$ 3,675.00	\$ 5,970.00	\$ 2,295.00
42	18" Storm Sewer, RCP (CM #3)(Part of 15023	136	141	\$ 80.00	\$ 10,880.00	\$ 11,280.00	\$ 400.00
43	24" x 38" storm Sewer, RCP	288	337.5	\$ 105.00	\$ 30,240.00	\$ 35,437.50	\$ 5,197.50
44	Storm Sewer Catch Basin (2'x2')	11	8	\$ 1,750.00	\$ 19,250.00	\$ 14,000.00	\$ (5,250.00)
45	Storm Sewer Manhole	5	3	\$ 2,000.00	\$ 10,000.00	\$ 6,000.00	\$ (4,000.00)
46	Storm Sewer Field Inlet (30" DIA)	1	1	\$ 1,850.00	\$ 1,850.00	\$ 1,850.00	\$ -
47	10" RCP Endwall	1	0	\$ 150.00	\$ 150.00	\$ -	\$ (150.00)
48	12" RCP Endwall	1	0	\$ 500.00	\$ 500.00	\$ -	\$ (500.00)
49	18" RCP Endwall	1	0	\$ 650.00	\$ 650.00	\$ -	\$ (650.00)
50	24" x 38" RCP Endwall	6	6	\$ 900.00	\$ 5,400.00	\$ 5,400.00	\$ -
51	Curb Underdrain, 4"	2332	2019	\$ 12.00	\$ 27,984.00	\$ 24,228.00	\$ (3,756.00)
52	Crushed Limestone TB, 1 1/4"	2500	4194.77	\$ 15.15	\$ 37,875.00	\$ 63,550.77	\$ 25,675.77
53	Crushed Limestone TB, 3"	1000	217.89	\$ 14.67	\$ 14,670.00	\$ 3,196.45	\$ (11,473.55)
54	Select Crushed Material	22300	13657.3	\$ 14.88	\$ 331,824.00	\$ 203,220.62	\$ (128,603.38)
55	Drilled Tie Bars	174	105	\$ 6.50	\$ 1,131.00	\$ 682.50	\$ (448.50)
56	31" Type "E" Curb & Gutter	3055	2833	\$ 15.50	\$ 47,352.50	\$ 43,911.50	\$ (3,441.00)
57	Concrete Pavement, 8"	4868	5606	\$ 38.00	\$ 184,984.00	\$ 213,028.00	\$ 28,044.00
58	Asphalt Pavement, 3"	1389	1383.5	\$ 18.51	\$ 25,710.39	\$ 25,608.59	\$ (101.80)
59	Concrete Sidewalk	2932	4095	\$ 4.70	\$ 13,780.40	\$ 19,246.50	\$ 5,466.10
60	Curb Ramp Detectable Warning Field (2'x2')	30	51	\$ 170.00	\$ 5,100.00	\$ 8,670.00	\$ 3,570.00
					\$ 866,996.49	\$ 738,917.43	\$ (128,079.06)

FINAL PROJECT PAYMENT COST BREAKDOWN

PROJECT NO. **15023**
 LOCATION: 20th Street
 DESCRIPTION: Street Construction

PREPARED BY: J. John Ozolins
 Senior Engineering Technician
 DATE PREPARED: January 0, 1900

BID ITEM	BID ITEM DESCRIPTION	BID AMOUNT	AS-Built AMOUNT	UNIT PRICE	BID PRICE	AS-BUILT COST	OVER/ UNDER
61	Temporary Seed	4290	0	\$ 0.25	\$ 1,072.50	\$ -	\$ (1,072.50)
62	Seed & Fertilize	4290	8310	\$ 0.65	\$ 2,788.50	\$ 5,401.50	\$ 2,613.00
63	Temporary Stabilization (PAM)	1	0	\$ 4,000.00	\$ 4,000.00	\$ -	\$ (4,000.00)
64	Signs, Type II, Reflective	97	87	\$ 45.00	\$ 4,365.00	\$ 3,915.00	\$ (450.00)
65	Metal Posts	16	11	\$ 125.00	\$ 2,000.00	\$ 1,375.00	\$ (625.00)
66	Sign Removal / Relocate	2	1	\$ 250.00	\$ 500.00	\$ 250.00	\$ (250.00)
67	Pavement Marking, Stop Line, 18", White	36	34	\$ 35.00	\$ 1,260.00	\$ 1,190.00	\$ (70.00)
68	Pavement Marking, Crosswalk, 6", White	192	234	\$ 15.00	\$ 2,880.00	\$ 3,510.00	\$ 630.00
69	Pavement Marking, Arrows, White	6	8	\$ 700.00	\$ 4,200.00	\$ 5,600.00	\$ 1,400.00
70	Pavement Marking, Word, White	7	6	\$ 960.00	\$ 6,720.00	\$ 5,760.00	\$ (960.00)
71	Pavement Marking, 4" Grooved, Reflective	183	150	\$ 10.90	\$ 1,994.70	\$ 1,635.00	\$ (359.70)
72	Pavement Marking, 8", Channelizing, White	536	526	\$ 15.30	\$ 8,200.80	\$ 8,047.80	\$ (153.00)
73	Pavement Marking, 4", Epoxy, Yellow	907	709	\$ 1.65	\$ 1,496.55	\$ 1,169.85	\$ (326.70)
74	Pavement Marking, 12", Diagonal, Yellow	200	0	\$ 6.50	\$ 1,300.00	\$ -	\$ (1,300.00)
75	Pavement Marking, 8", White, Dashed	397	150	\$ 3.30	\$ 1,310.10	\$ 495.00	\$ (815.10)
76	Pavement Marking, Curb, Yellow	31	22	\$ 8.00	\$ 248.00	\$ 176.00	\$ (72.00)
77	Pavement Marking, Island Nose, Yellow	2	2	\$ 225.00	\$ 450.00	\$ 450.00	\$ -
78	Mobilization	2	2	\$ 24,750.00	\$ 49,500.00	\$ 49,500.00	\$ -
79	Traffic Control	1	1	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00	\$ -
80	Conduit, Rigid, Sched.40, 1 1/2"	1225	1792	\$ 3.78	\$ 4,630.50	\$ 6,773.76	\$ 2,143.26
81	Conduit, Rigid, Sched. 80, 1 1/2"	195	0	\$ 4.17	\$ 813.15	\$ -	\$ (813.15)
82	Adjust Pull Boxes	1	1	\$ 282.10	\$ 282.10	\$ 282.10	\$ -
83	Concrete Bases, Type 5	9	13	\$ 699.85	\$ 6,298.65	\$ 9,098.05	\$ 2,799.40
84	Electric Wire Lighting, 12 AWG	630	1146	\$ 0.69	\$ 434.70	\$ 790.74	\$ 356.04
85	Electric Wire Lighting, 4 AWG	5000	5376	\$ 1.62	\$ 8,100.00	\$ 8,709.12	\$ 609.12
86	Lighting Units, Single Pole	7	10	\$ 2,365.11	\$ 16,555.77	\$ 23,651.10	\$ 7,095.33
87	Luminaires-LED, Type 3	9	10	\$ 1,481.90	\$ 13,337.10	\$ 14,819.00	\$ 1,481.90
88	Quaztite Pull Box	2	2	\$ 884.29	\$ 1,768.58	\$ 1,768.58	\$ -
89	Remove & Relocate Exist. St. Lighting Unit	2	2	\$ 976.42	\$ 1,952.84	\$ 1,952.84	\$ -
90	DWY Culv. 12" CMP Storm With FES	20	20	\$ 75.00	\$ 1,500.00	\$ 1,500.00	\$ -
					\$ 166,959.54	\$ 174,820.44	\$ 7,860.90

FINAL PROJECT PAYMENT COST BREAKDOWN

PROJECT NO. **15023**
 LOCATION: 20th Street
 DESCRIPTION: Street Construction

PREPARED BY: **J. John Ozolins**
 Senior Engineering Technician
 DATE PREPARED: January 0, 1900

BID ITEM	BID ITEM DESCRIPTION	BID AMOUNT	AS-Built AMOUNT	UNIT PRICE	BID PRICE	AS-BUILT COST	OVER/ UNDER
91	8" Sanitary Sewer, PVC, SDR 35, 3/4' TB	65	65	\$ 100.00	\$ 6,500.00	\$ 6,500.00	\$ -
CM #1	Section monument Box-Out	1	1	\$ 605.00	\$ 605.00	\$ 605.00	\$ -
CM #2	Tree Removal	1236.5	1236.5	\$ 18.14	\$ 22,430.11	\$ 22,430.11	\$ -
CM #3	8" WM Vertical Offset	2	2	\$ 3,500.00	\$ 7,000.00	\$ 7,000.00	\$ -
42A	24" Storm Sewer, RCP (CM #3)(Part Of 15023	136	132	\$ 90.00	\$ 12,240.00	\$ 11,880.00	\$ (360.00)
CM #3	Storm Sewer Manhole, 60" Dia	1	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ -
48A	15" RCP Endwall (CM #3)(Part 15023A)	1	1	\$ 575.00	\$ 575.00	\$ 575.00	\$ -
49A	24" RCP Endwall (CM #3)(Part of 15023 1A)	1	1	\$ 850.00	\$ 850.00	\$ 850.00	\$ -
CM #5	Remove Existing Street Light Pole	1	1	\$ 566.50	\$ 566.50	\$ 566.50	\$ -
CM #6	Temporary Power For Street Lights	1	1	\$ 1,181.40	\$ 1,181.40	\$ 1,181.40	\$ -
CM #7	Relocate Existing Pull Box	1	1	\$ 3,177.90	\$ 3,177.90	\$ 3,177.90	\$ -
CM #8	Place Fill @ Greenlawn Park	1	1	\$ 29,418.40	\$ 29,418.40	\$ 29,418.40	\$ -
CM #9	Additional Marsh Excavation	1	1	\$ 21,450.00	\$ 21,450.00	\$ 21,450.00	\$ -
58A	(CM #10) Asphalt Pavement, 3"	57	50	\$ 18.51	\$ 1,055.07	\$ 925.50	\$ (129.57)
65A	(CM #10) Type III Barricade Mounted On Post	3	3	\$ 444.40	\$ 1,333.20	\$ 1,333.20	\$ -
65B	(CM #10) Type III Barricade With "Lane Closed	2	0	\$ 444.40	\$ 888.80	\$ -	\$ (888.80)
73A	(CM #10) Pavement Marking, 4" Epoxy, Yellow	24	0	\$ 1.83	\$ 43.92	\$ -	\$ (43.92)
73B	(CM #10) Pavement Marking, 4", White, Tem	42	0	\$ 1.83	\$ 76.86	\$ -	\$ (76.86)
80A	(CM #10) Conduit, Nonmettalic, 3", Sched 40	520	295	\$ 7.30	\$ 3,796.00	\$ 2,153.50	\$ (1,642.50)
88A	(CM #10) 24' x 42' Pull Box	5	5	\$ 977.30	\$ 4,886.50	\$ 4,886.50	\$ -
CM #11	Paving Mobilization	1	1	\$ 5,557.20	\$ 5,557.20	\$ 5,557.20	\$ -
CM #12	12" RCP Storm Sewer, Restocking Fee	125	125	\$ 2.37	\$ 296.25	\$ 296.25	\$ -
CM #12	12" RCP FES, Restocking Fee	1	1	\$ 68.64	\$ 68.64	\$ 68.64	\$ -
CM #12	24" x 24" Catch Basin	2	2	\$ 1,388.85	\$ 2,777.70	\$ 2,777.70	\$ -
CM #12	Castings, Restocking Fee	2	2	\$ 90.29	\$ 180.58	\$ 180.58	\$ -
CM #13	Elementary School Pond Modifications	1	1	\$ 6,954.20	\$ 6,954.20	\$ 6,954.20	\$ -
CM #15	remove 7 Replace Curb & Gutter	1	1	\$ 3,786.89	\$ 3,786.89	\$ 3,786.89	\$ -
0	0	0	0	\$ -	\$ -	\$ -	\$ -
0	0	0	0	\$ -	\$ -	\$ -	\$ -
0	0	0	0	\$ -	\$ -	\$ -	\$ -
					\$ 140,196.12	\$ 137,054.47	\$ (3,141.65)

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

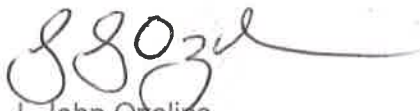
Item No.: 28

Recommendation: That the Common Council approve Resolution No. 11862-101717, accepting the workmanship and authorizing final payment to Magill Construction Company, Inc., for Project No. 40154000670. This project involved the installation of communication tower support structure improvements at Fire Station No. 1 (3rd Aldermanic District)

Background: This project was authorized by the Common Council as part of the Capital Improvement Program, and was awarded on August 4, 2016.

Fiscal Impact: Final payment of \$6,475.00 is to be paid with CIP provided funding.

Prepared by:



J. John Ozolins
Senior Engineering Technician

Respectfully submitted:



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

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11862-101717

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
MAGIL CONSTRUCTION COMPANY, INC.
AND AUTHORIZING FINAL PAYMENT**

**FIRE STATION NO. 1
COMMUNICATIONS TOWER SUPPORT STRUCTURE**

PROJECT NO. 40154000670

(3rd ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and Magil Construction Company, Inc., hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 40154000670 for the installation of communication tower improvements in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$179,000.00; and,

WHEREAS, said total final contract price has been determined to be \$179,000.00 as computed by the City Engineer using actual quantities, as measured, additions and deletions to the contract, and contract unit prices; and,

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

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

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$6,475.00.

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

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

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on the communications tower support structure installation for a period of 12 months

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

BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$6,475.00 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of October, 2017.

Passed and adopted this 17th day of October, 2017.

President, Common Council

Approved this 17th day of October, 2017.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

FINAL PROJECT PAYMENT COST BREAKDOWN

CITY PROJECT NO. **40154000670**

PROJECT LOCATION: Fire Station #1

PROJECT DESCRIPTION: Communications Tower Support Structure

GENERAL CONTRACTOR: Magill Construction Company, Inc.

COUNCIL MEETING DATE: **October 17, 2017**

COUNCIL RESOLUTION NO. **11862-101717**

CONTRACT BID AMOUNT:	\$	179,000.00
AUTHORIZED ADDITIONS TO ORIGINAL CONTRACT AMOUNT:	\$	-
REVISED CONTRACT AMOUNT:	\$	179,000.00
AS-BUILT PROJECT COST:	\$	179,000.00
AMOUNT OVER/UNDER ORIGINAL CONTRACT AMOUNT:	\$	-
AMOUNT PAID TO DATE:	\$	172,525.00
AMOUNT DUE FINAL PAYMENT:	\$	6,475.00

PREPARED BY: **J. John Ozolins**
Senior Engineering Technician

DATE PREPARED: **October 4, 2017**

APPROVED FOR PAYMENT BY: Mike Simmons, PE
City Engineer

DATE APPROVED: October 4, 2017

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 29

Recommendation: That the Common Council adopt Resolution No. 11868-101717, a Resolution Approving a License and Maintenance Agreement with the Oak Creek-Franklin Joint School District (2nd Aldermanic District).

Background: The Oak Creek-Franklin Joint School District has asked the City of Oak Creek for permission to install and maintain a fence in the City right-of-way along the public pathway east of Forest Ridge Elementary School, 2200 West Drexel Avenue. The fence would connect to the existing fence on the north and extend from the north driveway to the south driveway. By this License and Maintenance Agreement, the City will approve of the fence prior to installation, and it will be located no fewer than four feet from the public pathway. Any material alteration, change or modification would require written approval by the City. The School District will regularly maintain the fence and may be required to move and reinstall the fence as needed to accommodate any future City public works projects.

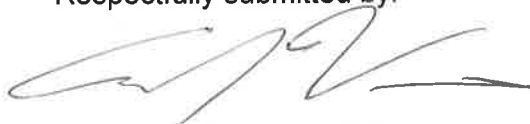
Fiscal Impact: The project costs for the TID No. 12 Finance Development Agreement with Ikea Property, Inc. allocate \$25,000 toward this fence for the Forest Ridge Elementary School.

Prepared by:



Melissa L. Karls
City Attorney

Respectfully submitted by:



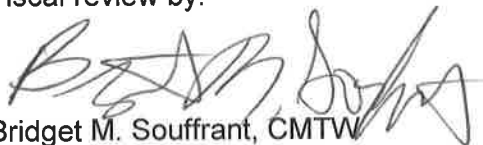
Andrew J. Vickers, M.P.A.
City Administrator

Reviewed by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11868-101717

RESOLUTION APPROVING A LICENSE AND MAINTENANCE AGREEMENT WITH
THE OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT
(2nd Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the License and Maintenance Agreement with the Oak Creek-Franklin Joint School District 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 17th day of October, 2017.

Passed and adopted this ____ day of _____, 2017.

Common Council President Kenneth Gehl

Approved this _____ day of _____, 2017.

Mayor Daniel J. Bukiewicz

ATTEST:

City Clerk Catherine A. Roeske

VOTE: Ayes _____ Noes _____

LICENSE AND MAINTENANCE AGREEMENT

This LICENSE AND MAINTENANCE AGREEMENT ("Agreement") is made and entered into as of the date last written below (the "Effective Date") by and between the OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT ("School District"), and the CITY OF OAK CREEK ("City").

WHEREAS, City is the owner of certain real property located in Oak Creek, Wisconsin (the "Property"), as more particularly shown on Exhibits A and B attached hereto and incorporated herein by reference;

WHEREAS, School District has asked to install and maintain a fence within the Property;

WHEREAS, City is willing to allow School District to install and maintain a fence within the Property; and

WHEREAS, School District and City are entering into this Agreement for the above-stated purposes.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt, sufficiency and adequacy of which is hereby acknowledged, School District and City hereby agree as follows:

1. Grant of License. City hereby grants to School District a non-exclusive license (the "License") to use those portions of the Property as depicted on Exhibit A and more particularly described in Exhibit B, both of which exhibits are attached hereto and incorporated herein by reference, for School District's maintenance of a four-foot high, black vinyl chain link fence installed parallel to the public pathway alignment within the Property, as far west as possible, and no fewer than four (4) feet from the public pathway (the "Fence") pursuant to the terms and conditions contained herein. Fence shall be installed in a mutually agreed upon configuration on the Property. City must approve the Fence submitted by School District prior to installation. Any material alteration, change or modification to the Fence must have prior written approval by City.
2. Maintenance of Property. School District hereby agrees to regularly maintain the Fence in a safe and proper working condition, free of vegetation and other obstructions on the Property. School District shall avoid damage to adjoining property and to adjacent wetland areas. Except for damage to the Fence caused by City, in which event City shall repair such damage to the Fence, City shall not assume any responsibility for maintaining the Fence, nor for the adjacent turf grade. School District accepts the Property "as is" in all respects. City makes no warranties of any kind concerning the condition of the Property or the Property's suitability for installation and maintenance of the Fence. If School District ceases to maintain the Fence, City shall have no obligation to do so and may remove the Fence. At no time shall City have any ownership, control or maintenance responsibilities with regard to the Fence.

3. Compliance with Laws. School District shall use the Property only in compliance with all applicable federal, state, and local laws, statutes, ordinances, rules, and regulations. School District shall obtain all necessary or required permits and approvals.
4. Indemnification. As a condition of the rights granted to it by this Agreement, School District, its officers, members, employees, agents, and assigns, hereby agrees, through the signing of this document by an authorized party or agent, to hold harmless and indemnify City, its officials, employees, agents, and assigns, from any and all injuries, damages, losses, expenses, claims, suits and actions, including attorneys' fees, and all costs of litigation and judgment arising from this use of the Property. School District shall reimburse City, its elected and appointed officials, officers, employees, agent or authorized representatives or volunteers for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. This indemnity shall not apply to claims that are caused by the negligence or intentional acts of City.
5. Assignment. This Agreement, and the covenants and agreements herein contained, shall be binding upon School District and City, and their successors and assigns. School District may not assign its rights under this Agreement. City may assign its rights or delegate its duties under this Agreement to an agent without the approval of School District.
6. Easement and Prescriptive Rights. School District acknowledges that its use of the Property is solely pursuant to this Agreement and such use shall not be deemed to give rise to School District's having any form of easement or any other right or interest, including any ownership interest, in the Property. School District further acknowledges that no prescriptive rights have arisen prior to the date of this Agreement nor shall any prescriptive rights be deemed to arise out of this Agreement. School District shall be required to remove and reinstall the Fence, at School District's cost, as needed to accommodate any future City public works project on the Property.
7. Term. The duration of this License shall be from the Effective Date until such time that School District and/or City determine(s) the Fence must be removed, with the initiating party required to notify the other in writing of the need for removal no fewer than six (6) months prior to the required date of removal.
8. Amendment. Any amendment to this Agreement shall be reduced to writing and approved by the proper authorities of School District and City.
9. Waiver. Any act or omission by City that may constitute a waiver of one of its rights under this Agreement shall not constitute or be deemed to be a waiver of any other right that City has or may have in the future under this Agreement.
10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of Wisconsin. This Agreement may be executed in counterparts,

each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of this ____ day of _____, 2017.

OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT

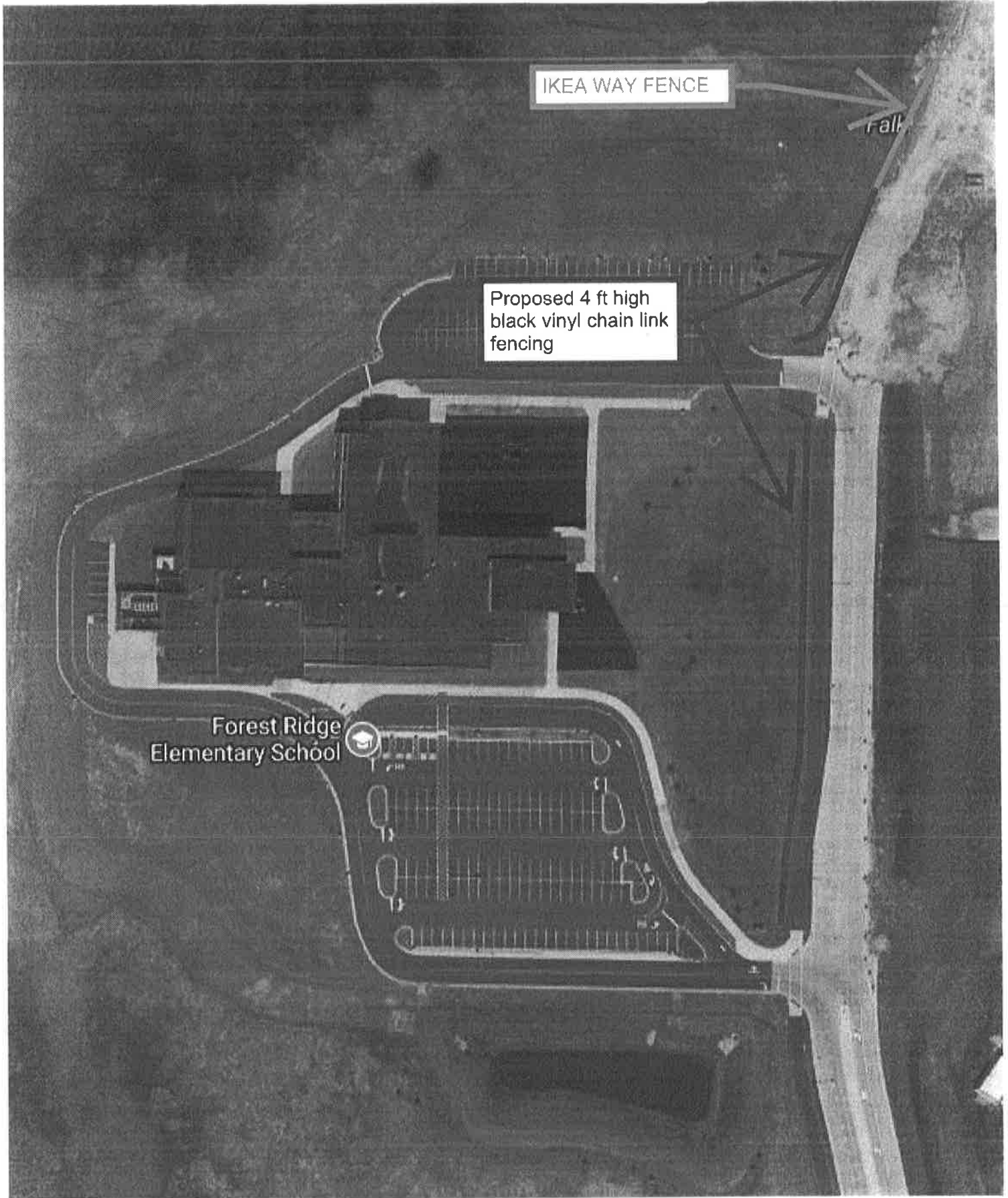
BY: _____
Dr. Tim Culver, Superintendent of Schools

CITY OF OAK CREEK

BY: _____
Daniel J. Bukiewicz, Mayor

BY: _____
Catherine A. Roeske, City Clerk

EXHIBIT A



IKEA WAY FENCE

Proposed 4 ft high
black vinyl chain link
fencing

Forest Ridge
Elementary School

City of Oak Creek Common Council Report

Meeting Date: October 17, 2017

Item No.: 30

Recommendation: That the Common Council approves payment of the obligations as listed on the October 11, 2017 Invoice GL Distribution Report.

Background: Of note are the following payments:


1. \$92,638.32 to Advanced Disposal (pg #1) for September recycling and trash pickup.
2. \$8,719.50 to Applied Ecological Services, Inc. (pg #2) for Drexel Town Square wetland maintenance: July and September.
3. \$9,503.00 to Arlington Computer Products (pg #2) for computer replacements.
4. \$69,149.74 to C.W. Purpero (pg #11) for Ikea Way street construction, phase 2.
5. \$80,249.60 to D.F. Tomasini, Inc. (pg #13) for Drexel and 20th Street project – final payment.
6. \$70,780.29 to JPM (pgs #16-22) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
7. \$6,475.00 to Magill Construction Company, Inc. (pg #8) for communication tower support structure – final payment.
8. \$188,429.94 to MP Systems, Inc. (pg #10) for 10th & Drexel Ave traffic signals.
9. \$5,428.85 to Ozinga Ready Mix Concrete, Inc. (pg #10) for concrete and expansion joints for various streets projects.
10. \$7,671.66 to Securian Financial Group, Inc. (pgs #12-13) for employee life insurance.
11. \$19,322.56 to WE Energies (pgs #14-15) for street lighting, electricity & natural gas.
12. \$7,597.60 to WI Court Fines & Surcharges (pg #15) for September court fines.
13. \$17,147.18 to World Fuel (pg #16) for fuel inventory.
14. \$313,065.30 to Zenith Tech (pg #16) for bridge maintenance project.

Fiscal Impact: Total claims paid of \$999,483.18

Prepared by/Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Respectfully submitted,


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