



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

COMMON COUNCIL MEETING AGENDA

NOVEMBER 7, 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: 10/17/17

Recognition

4. **Resolution:** Consider Resolution No. 11881-110717, a Resolution of Condolence upon the Death of Robert R. Howski (by Committee of the Whole).

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

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

5. **Conditional Use:** Consider a request by Jaspal Singh Dhallwal, JT Petroleum, LLC, for a Conditional Use Permit allowing a gasoline service station with convenience store and two (2) underground fuel tanks on the property at 9502 S. Howell Ave. (6th District).
6. **Ordinance:** Consider Ordinance No. 2875, to approve a Conditional Use Permit for a gasoline service station with convenience store on the property at 9502 S. Howell Ave. (6th District).
7. **Conditional Use:** Consider a request by Meredith Hall, Old Forest Studio, LLC, for a Conditional Use Permit allowing a licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl. (4th District).
8. **Ordinance:** Consider Ordinance No. 2876, to approve a Conditional Use Permit for one (1) licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl. (4th District).
9. **Conditional Use:** Consider a request submitted by Olympic Real Estate Holdings, LLC for a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Parkway (5th District).

10. **Ordinance:** Consider Ordinance No. 2877, to approve a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Parkway (5th District).
11. **Conditional Use:** Consider a request submitted by Chris Nutini, Kwik Trip, for an amendment to the existing Conditional Use Permit to allow outdoor storage and display of retail ice and propane merchandise on the property at 6300 S. 27th St. (2nd District).
12. **Ordinance:** Consider Ordinance No. 2878, to amend the Conditions and Restrictions in Ordinance No. 2331 to allow outdoor storage and display of ice and propane retail merchandise on the property at 6300 S. 27th St. (2nd District).

New Business

13. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending September 30, 2017.
14. **Ordinance:** Consider Ordinance No. 2873, confirming adoption of the Settlement Agreement between the City of Oak Creek and the Labor Association of Wisconsin, Inc., and fixing the salary for members of the Association from September 1, 2017 through September 1, 2018 (by Committee of the Whole).
15. **Ordinance:** Consider Ordinance No. 2879, an Ordinance Fixing the Salary and Certain Allowances for Elected City Clerk and City Treasurer Offices for the Three-Year Term May 1, 2018–April 30, 2021 (by Committee of the Whole).
16. **Ordinance:** Consider Ordinance No. 2874, creating Section 2.79 of the Municipal Code to establish a Board of Absentee Canvassers (by Committee of the Whole).
17. **Motion:** Consider a motion to approve the appointment of election officials for the two-year period of January 1, 2018 through December 31, 2019 (by Committee of the Whole).
18. **Discussion:** Council discussion and direction to City Staff regarding the scheduling of 2018 Regular Combined Common Council meeting dates.
19. **Resolution:** Consider Resolution No. 11873-110717, designating official holidays for 2018 (by Committee of the Whole).
20. **Motion:** Consider a motion to approve the Vendor Summary Report in the amount of \$1,744,039,52 (by Committee of the Whole).

ENGINEERING

21. **Resolution:** Consider Resolution No. 11863-110717, approving the FedEx Development Agreement for the design and installation of public improvements at 500 W. Opus Drive (Tax Key No. 924-9012-000) (Project Nos. 17061 and 17062) (5th District).
22. **Resolution:** Consider Resolution No. 11876-110717, approving a Storm Water Management Practices Maintenance Agreement with Setzer Properties MKE, LLC, for the FedEx Freight Terminal located at 500 W. Opus Dr. (Tax Key No. 924-9012) (5th District).

23. **Resolution:** Consider Resolution No. 11874-110717, a Resolution to Establish Storm Water Management Service Charges for the City of Oak Creek (by Committee of the Whole).
24. **Resolution:** Consider Resolution No. 11875-110717, approving the transfer of a 12'-wide strip of land along the property frontage at 7500 S. 13th Street (0.040 acres) to Milwaukee County as additional right-of-way; and granting a temporary limited easement consisting of an adjacent 25'-wide strip (0.079 acres) for the County's fair market value offer of \$500.00. (Tax Key No. 783-9000-003) (1st District).
25. **Resolution:** Consider Resolution No. 11877-110717, approving the Murphy CSM Development Agreement for the design and installation of public improvements at 3413 E. Elm Rd. (Tax Key No. 969-9029-000) (Project No. 17058) (4th District).
26. **Resolution:** Consider Resolution No. 11878-110717, accepting the workmanship and authorizing final payment to All-Ways Contractors, Inc. (Project No. 15015) (1st District).
27. **Resolution:** Consider Resolution No. 11879-110717, a Resolution approving an Amendment Easement Agreement between SSV Oak Creek II, LLC and the City of Oak Creek (1st District).

LICENSE COMMITTEE

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

28. **Motion:** Consider a motion to grant an Operator's license to the following (*favorable background report received*):
 - Nhan T. Vu, 345 E. Arbor Cir., Oak Creek (Walgreens)
 - Jessilyn Schafrik, 2202 E. Michigan Ave., Oak Creek (Kwik Trip)
 - Austin D. Harrison, 9370 S. Burrell St., Oak Creek (Kwik Trip)
 - Sean M.P. Howard, 728 W. Abbott Ave., Milwaukee (Kwik Trip)
 - Robin E. Conti, 8316 W. Crawford Ave., Milwaukee (Meijer)
 - Victoria M. Sberna, 2576 S. 77th St., West Allis (Meijer)
 - Nicholas C. Dalzell, 2617 S. Howell Ave., Milwaukee (Pizza Man)
 - Harshdeep Oberoi, 3556 W. Rawson Ave., Franklin (Mobil)
 - Larry McArthur, 13740 W. Wildflower Ln., New Berlin (Charcoal Grill)
 - Jeri L. Lubeno, 1725 Old Fancher Rd., Mt. Pleasant (Pick 'n Save)

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

RESOLUTION NO. 11881-110717

BY COMMITTEE OF THE WHOLE

**RESOLUTION OF CONDOLENCE
UPON THE DEATH OF
ROBERT R. HOWSKI**

WHEREAS, the City of Oak Creek received the sad news that Robert R. Howski passed away to eternal life on October 29, 2017; and

WHEREAS, on June 12, 2017, Robert R. Howski was hired as a Seasonal Laborer for the City of Oak Creek's Parks, Streets and Forestry Department; and

WHEREAS, during his employment with the City of Oak Creek, Robert R. Howski served the City of Oak Creek with dedication and loyalty; and

WHEREAS, Robert's compassion and willingness to lend a hand led him to recently enroll at Milwaukee Area Technical College in the EMT / Firefighter program; and

WHEREAS, Robert R. Howski was a devoted son to Ron and Lorri and a brother and best friend to Jennifer, and will be greatly missed by his family and friends.

NOW, THEREFORE, BE IT RESOLVED, that we, the citizens of the City of Oak Creek and the Mayor and Common Council of this City, do express our deep sorrow on the death of Robert R. Howski and extend sincere and heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the minutes of this meeting and a suitable copy thereof be forwarded to the family of the late Robert R. Howski.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of November, 2017.

Passed and adopted this _____ day of November, 2017.

Kenneth Gehl, Common Council President

Approved this _____ day of November, 2017.

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes: _____ Noes: _____

TO BE PUBLISHED OCTOBER 4 & 11, 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 by Jaspal Singh Dhaliwal, JT Petroleum, LLC, for a Conditional Use Permit allowing a gasoline service station with convenience store and two (2) underground fuel tanks on the property 9502 S. Howell Ave.

Hearing Date: November 7, 2017
Time: 7:00 PM
Place: Oak Creek Civic Center (City Hall)
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: Jaspal Singh Dhaliwal, JT Petroleum, LLC
Property Owner: JT Petroleum, LLC
Property Location: 9502 S. Howell Ave.
Tax Key(s): 907-9027-000

Legal Description:

Parcel 1 of Certified Survey Map No. 4393, recorded October 25, 1985 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, Reel 1579, Images 1506 to 1509 inclusive, as Document Number 5664439, being a redivision of Lot 1 of Certified Survey Map No. 1056, being part of the Northwest ¼ of the Northwest ¼ of Section 28, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for November 7, 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 27, 2017
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty 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: November 7, 2017

Item No.: 10

Recommendation: That the Council adopts Ordinance 2875, an ordinance to approve a Conditional Use Permit for a gasoline service station with convenience store on the property at 9502 S. Howell Ave.

Background: JT Petroleum, LLC, is requesting Conditional Use approval for a gasoline service station with convenience store and two (2) underground fuel tanks (one 20,000-gallon and one 6,000-gallon) at 9502 S. Howell Ave. Gasoline service stations are Conditional Uses in the B-4, Highway Business district.

The proposal is to renovate and utilize the existing 1,494 square-foot (approximate) building for the convenience store. All concrete under the fuel canopy will be removed and replaced (canopy to remain), the lot will be resurfaced with asphalt, and a new sign per Code will be installed. Six (6) fuel dispensers will be installed/retained, and the existing diesel dispenser and island will be removed. While peak times are not yet known, a minimum of six (6) employees will cover all shifts, with 1-2 employees anticipated per shift. Proposed hours of operation are 24 hours/day, 7 days/week.

No outdoor storage or display of retail merchandise has been requested. Therefore, no storage or display of any merchandise will be allowed onsite, including under the fuel canopy. These recommended restrictions are consistent with other restrictions placed on gasoline service stations in the City.

Gasoline service stations are not required to provide dedicated parking stalls; however, one (1) space per 100 square feet of gross floor area plus one (1) space per employee at peak shift are required for convenience stores. This would equate to approximately 15-16 stalls. A preliminary site survey has been submitted showing the proposed location(s) or number of parking stalls. Parking stalls must be located a minimum of 10 feet from all rights-of-way.

Council should be aware of several items regarding this proposal:

1. Although the existing building and fuel canopy are proposed to be reused, the redevelopment of this lot must comply with current Code requirements. The fuel canopy must be located a minimum of 20 feet from all rights-of-way, and the rear lot line. Fueling dispensers themselves must be located a minimum of 25 feet from all rights-of-way and side/rear lot lines. It appears that the existing canopy and/or fueling dispensers meet these setback requirements, although that must be verified on the site plan. The existing convenience store building meets all setback requirements.
2. Access to the lot has been restricted to one driveway on Howell Ave., one shared driveway with the car wash to the south, and one driveway on Ryan Rd. In the areas where driveways have been removed, staff strongly recommends adding landscaping as very little currently exists on the property. It is possible that the minimum 30% open/green space requirement is not currently met on the property.

Staff also recommends replacing and enhancing existing landscaping where possible in conformance with Code requirements.

3. Exterior modifications to the building and canopy will require review by the Plan Commission.
4. Site modifications and landscape plans will require review by the Plan Commission.
5. Signage shall be in conformance with current Code requirements. Any proposed signs that are not in conformance with current Code requirements will require modification and/or variances.
6. A spill prevention and interception plan is required. This must be provided to the Engineering Department and the Fire Department. Installation, replacement, and maintenance of the fuel tanks may also require Fire Department notification and/or inspection.
7. Lighting plans showing all exterior and canopy lights, which must be recessed, will be required.

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 redevelopment of the lot with a commercial use. Although the property is currently developed, the redevelopment will result in a positive fiscal impact through the improvements and permit fees. This property is not located in a TIF district.

Prepared by:



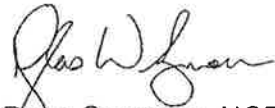
Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



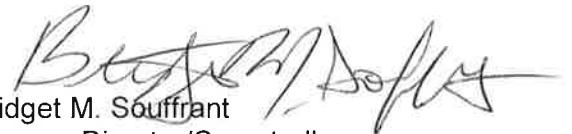
Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2875

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR ONE (1) GASOLINE SERVICE STATION WITH CONVENIENCE STORE AND TWO (2) UNDERGROUND FUEL TANKS ON THE PROPERTY AT 9502 S. HOWELL AVE.

(5th Aldermanic District)

WHEREAS, JASPAL SINGH DHALIWAL, JT PETROLEUM, LLC, has applied for a Conditional Use Permit that would allow one (1) gasoline service station with convenience store and two (2) underground fuel tanks on the property at 9502 S. Howell Ave.; and

WHEREAS, the properties are more precisely described as follows:

Parcel one (1) of Certified Survey Map (CSM) No. 4393, recorded October 25, 1985 in the Office of the Register of Deeds for Milwaukee County, Wisconsin Reel 1579, Images 1506 to 1509, inclusive, as Document Number 5664439, being a redivision of Lot 1 of CSM No. 1056, being part of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin.

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 November 7, 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 one (1) gasoline service station with convenience store and two (2) underground fuel tanks on the property at 9502 S. Howell 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 one (1) gasoline service station with convenience store and two (2) underground fuel tanks.

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 7th day of November, 2017.

President, Common Council

Approved this 7th day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Jaspal Singh Dhaliwal, JT Petroleum, LLC
Property Address: 9502 S. Howell Ave.
Tax Key Number: 731-9982-001
Conditional Use: Gasoline Service Station with
Convenience Store, (1) 20,000-gallon fuel tank, & (1) 6,000-gallon fuel tank

Approved by Plan Commission: 9-26-17
Approved by Common Council: TBD
(Ord. #2875)

1. LEGAL DESCRIPTION

Parcel 1 of Certified Survey Map No. 4393, recorded October 25, 1985 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, Reel 1579, Images 1506 to 1509 inclusive, as Document Number 5664439, being a redivision of Lot 1 of Certified Survey Map No. 1056, being part of the Northwest ¼ of the Northwest ¼ of Section 28, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. 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 unit & surface spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (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)

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)
- 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.
- E. A spill prevention and interception plan shall be provided to the Engineering Department and the Fire Department prior to issuance of permits. Installation, replacement, and maintenance of the fuel tanks may also require Fire Department notification and/or inspection.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. No outdoor storage or display of retail merchandise, equipment (other than fuel pumps, vehicle vacuum stations, and vehicle water and air stations as approved by the Plan Commission as part of Site Plan Review), supplies, fuel, or related items is allowed.
- B. No pole signs shall be permitted as part of this development.
- C. Solid waste collection and recycling shall be the responsibility of the owner.
- D. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Parking for this development shall be in accordance with Sections 17.0403 & 17.0404 of the Municipal Code.
- B. Access to East Ryan Rd (HWY 100) and South Howell Avenue (STH 38) is subject to the review and approval of the Wisconsin Department of Transportation. Such approval shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

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

6. SETBACKS

	Front and Street Setback	Rear (East) Setback	Side (South) Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	See Sec. 17.0315(f)	See Sec. 17.0315(f)
Fuel Canopy	20 ft	20 ft	20 ft
Fuel Pumps	25 ft	25 ft	25 ft
Monument Sign	See Sec. 17.0706	10 ft	10 ft
Parking**	10 ft	0 ft	0 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 17.0205 of the Municipal Code.*

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. REVOCAION

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

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.

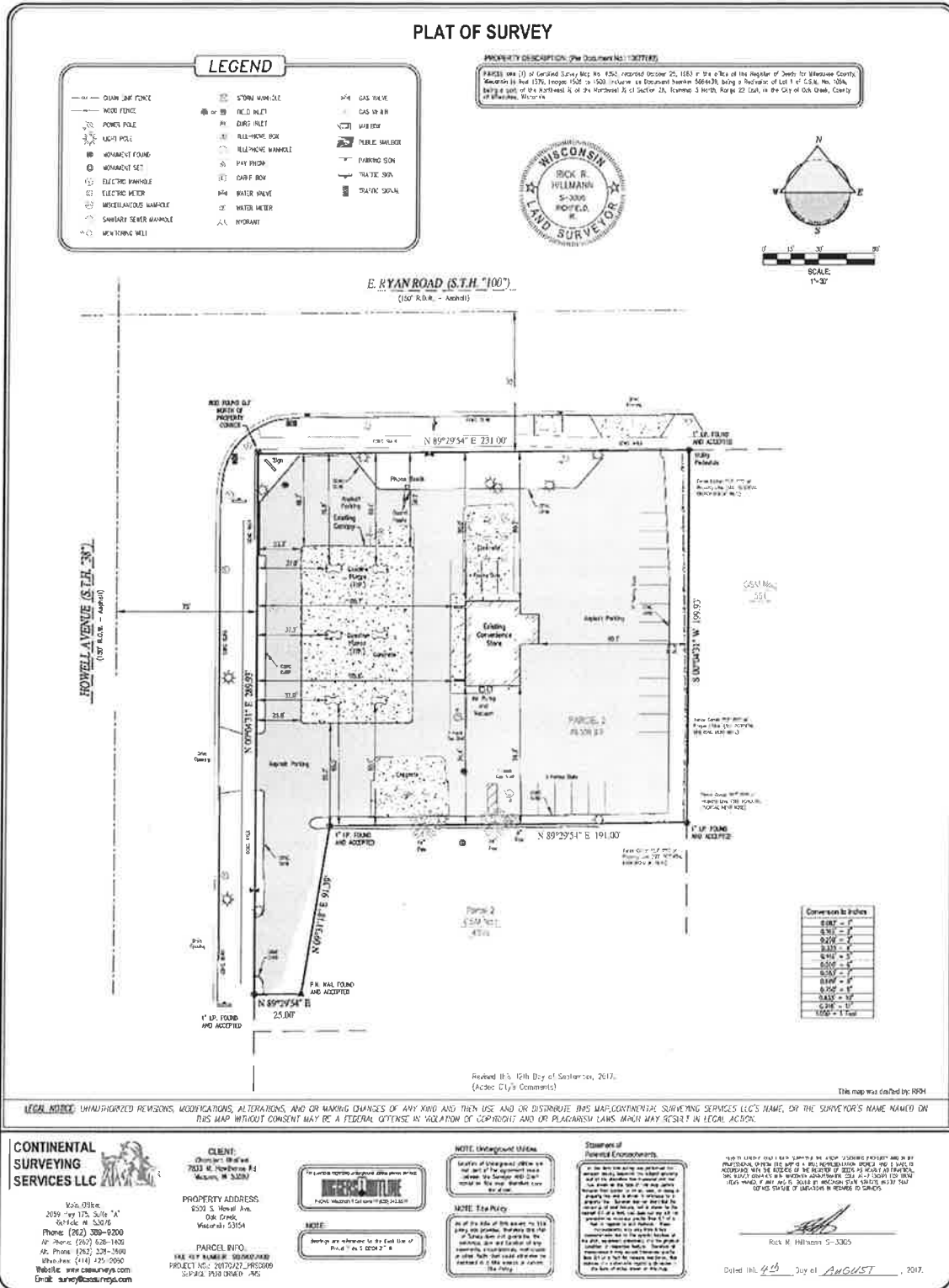
Owner / Authorized Representative Signature

Date

(please print name)

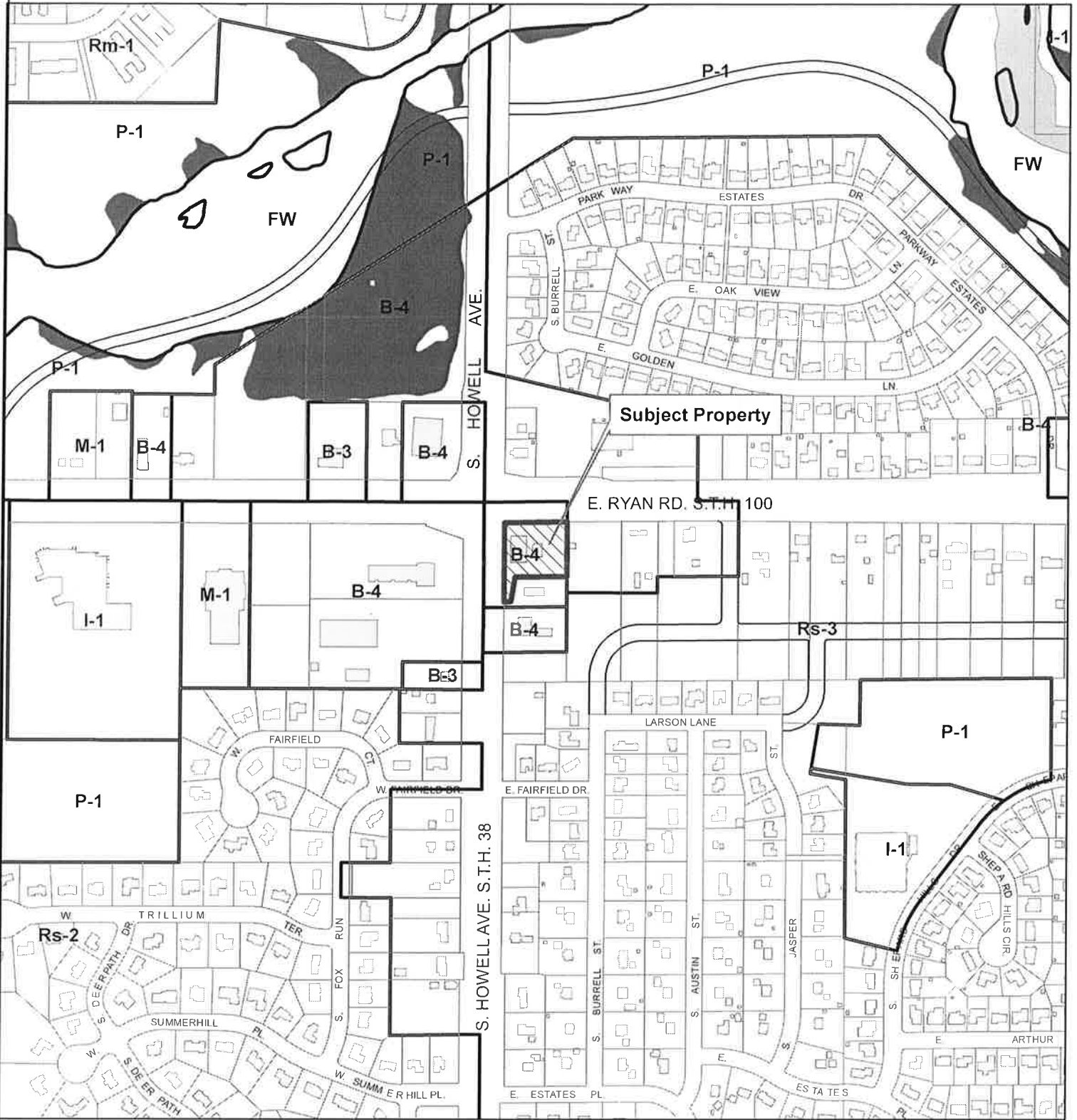
EXHIBIT A: PRELIMINARY SITE SURVEY

(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

9502 S. Howell Ave.

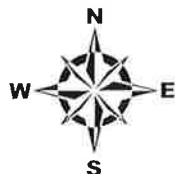


This map is not a survey of the actual boundary of any property this map depicts.



OAKCREEK
— WISCONSIN —

Department of Community Development



Legend	
	9502 S. Howell Ave.
Zoning Overlays	
	C-1-Shoreland Wetland
	FFI-Flood Fringe
	Lakefront Overlay
	HO-Mixed Use Neighborhood
	OO-Mixed Use Office
	RR-Regional Retail

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

**CONDITIONAL USE PERMIT
JT PETROLEUM, LLC
9502 S. HOWELL AVE.
TAX KEY NO. 907-9027-000**

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

Commissioner Chandler asked if this property is presently under a Conditional Use Permit since it is already a service station. Planner Papelbon responded that a Conditional Use Permit was not issued for this property. The historical use of the property has been for a gas station. When the Code was changed over the years, it became a "conforming conditional use" while it was still being used as a gas station. The property owners were granted the ability to keep operating as a gas station until such time as it ceased. There was a period of time where that use ceased and the Code requires the property owner to come back to the City for a Conditional Use Permit. Because of the length of time that the property had historically been used for gas station purposes, it wasn't required at the time.

Commissioner Chandler asked about the setback requirements. Jaspal Dhaliwal, 12929 N. Wauwatosa Road, Mequon, WI, responded that all of the setback requirements are met and are on the new survey that was provided earlier in the day. Planner Papelbon stated that the original survey that was provided did not include the setback, so it could not be determined whether or not setback requirements were being met. The new plat of survey shows all setbacks being met. Planner Papelbon stated that all setbacks are met for the canopy, the fuel pumps, the existing store and the parking. The existing pole sign does not meet requirements and will be replaced.

Commissioner Siepert asked if the existing road leading to the carwash has to be blocked off. Planner Papelbon responded that that road is going to remain, so there will be two curb cuts on Howell Avenue and one on Ryan Road. That is a shared access point. The carwash is not part of this review, but they will still have access to the carwash.

Commissioner Dickmann stated that he likes the fact that they are taking out the diesel fuel tanks so that truck traffic will not be a concern. Mr. Singh stated that there are so many truck stops up the road (Ryan Road) and that is not something he wanted to compete with.

Mayor Bukiewicz stated that he is looking forward to a nice-looking higher end gas station in the area. Mayor Bukiewicz asked the applicant to work with staff with regard to road closures and being able to meet the greenspace requirements.

Mayor Bukiewicz asked the applicant to be in contact with the Oak Creek Police Department with regard to security issues.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a gasoline service station with convenience store and two (2) underground fuel tanks on the property 9502 S. Howell Ave., after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (September 26, 2017). Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9/26/17
Date

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

CONDITIONS AND RESTRICTIONS

**JT PETROLEUM, LLC
9502 S. HOWELL AVE.
TAX KEY NO. 907-9027-000**

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

Planner Papelbon also mentioned that the conditions and restrictions are a little bit shorter than they usually are. There is a statement now that is going to take the place of some of the lengthy conditions and restrictions that have been incorporated in the past: Section 2 (A) - All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

Commissioner Dickmann asked about Section 3 (A), referencing outdoor storage, specifically fuel. Planner Papelbon responded that in the past there have been requests for outdoor storage of propane, and that is what "fuel" is referring to.

Mayor Bukiewicz asked Asst. Fire Chief Kressuk if he had any concerns. Asst. Fire Chief Kressuk responded that he did talk to the applicant after the last meeting. They did discuss some of the needs that the Fire Department would want to get involved in early in the process of the reconstruction. The tanks are inspected by the State of Wisconsin, so there are multiple agencies involved in making sure this gas station is safe.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a gasoline service station with convenience store and two (2) underground fuel tanks on the property 9502 S. Howell Ave., after a public hearing. Commissioner Dickmann seconded. On roll call: all voted aye.

ATTEST:



Douglas Seymour, Plan Commission Secretary

10/10/17

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 Meredith Hall, Old Forest Studio, LLC, for a Conditional Use Permit allowing a licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl.

Hearing Date: November 7, 2017
Time: 7:00 PM
Place: Oak Creek Civic Center (City Hall)
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: Meredith Hall, Old Forest Studio, LLC
Property Owner: GVP Properties, LLC
Property Location: 8660 S. Market Pl.
Tax Key(s): 823-0029-000

Legal Description:

THE MARKET PLACE CONDOMINIUM SW 1/4 SEC. 14-5-22 UNIT 4.

The Common Council has scheduled other public hearings for November 7, 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 27, 2017
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty 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: November 7, 2017

Item No.: 8

Recommendation: That the Council adopts Ordinance 2876, an ordinance to approve a Conditional Use Permit for one (1) licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl.

Background: Meredith Hall, Old Forest Studio, LLC, is requesting Conditional Use approval for a licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl. Licensed tattoo and/or body piercing studios are Conditional Uses in the B-2, Community Business district.

Old Forest Studio would provide tattoo services within an existing building in the Marketplace development. One employee (owner) will provide appointment and walk-in services 7 days/week, generally between 11:00 AM and 6:00 PM. Approximately 1-3 customers per day are anticipated. Parking and trash receptacles are shared by all users of the Marketplace development. Sharps and related biohazard waste will be disposed of in FDA containers per health codes. No outdoor storage or display of merchandise is requested.

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 occupancy of a currently-vacant commercial space. No direct fiscal impact, other than permit fees, is anticipated. This property is not located in a TIF district.

Prepared by:



Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2876

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR ONE (1) LICENSED TATTOO AND/OR BODY PIERCING STUDIO ON THE PROPERTY AT 8660 S. MARKET PL.

(4th Aldermanic District)

WHEREAS, MEREDITH HALL, OLD FOREST STUDIO, LLC, has applied for a Conditional Use Permit that would allow one (1) licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl.; and

WHEREAS, the properties are more precisely described as follows:

THE MARKET PLACE CONDOMINIUM SW 1/4 SEC. 14-5-22 UNIT 4.

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 November 7, 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 one (1) licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl., 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 one (1) licensed tattoo and/or body piercing studio.

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 7th day of November, 2017.

President, Common Council

Approved this 7th day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Meredith Hall, Old Forest Studio
Property Address: 8660 S. Market Pl.
Tax Key Number: 823-0029-000
Conditional Use: Licensed tattoo and/ or body
piercing studio

Approved by Plan Commission: 9-26-17
Approved by Common Council: TBD
(Ord. # 2876)

1. LEGAL DESCRIPTION

THE MARKET PLACE CONDOMINIUM SW 1/4 SEC. 14-5-22 UNIT 4.

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. 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. PERMITTED USES

- A. All permitted uses in the B-2, Community Business zoning district.
- B. All uses permitted by Ordinance No. 753, as amended.
- C. One Licensed tattoo and/ or body piercing studio

4. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- D. No outdoor storage or display of retail merchandise is allowed.
- E. Hours of operation shall be between 10:00 AM and 9:00 PM, seven days per week.

5. PARKING AND ACCESS

Parking for this development shall be in accordance with Sections 17.0403 & 17.0404 of the Municipal Code, and approved Site Plans for the Marketplace development.

6. 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.

7. OTHER REGULATIONS

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

8. VIOLATIONS & PENALTIES

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

9. REVOCAION

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

10. ACKNOWLEDGEMENT

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

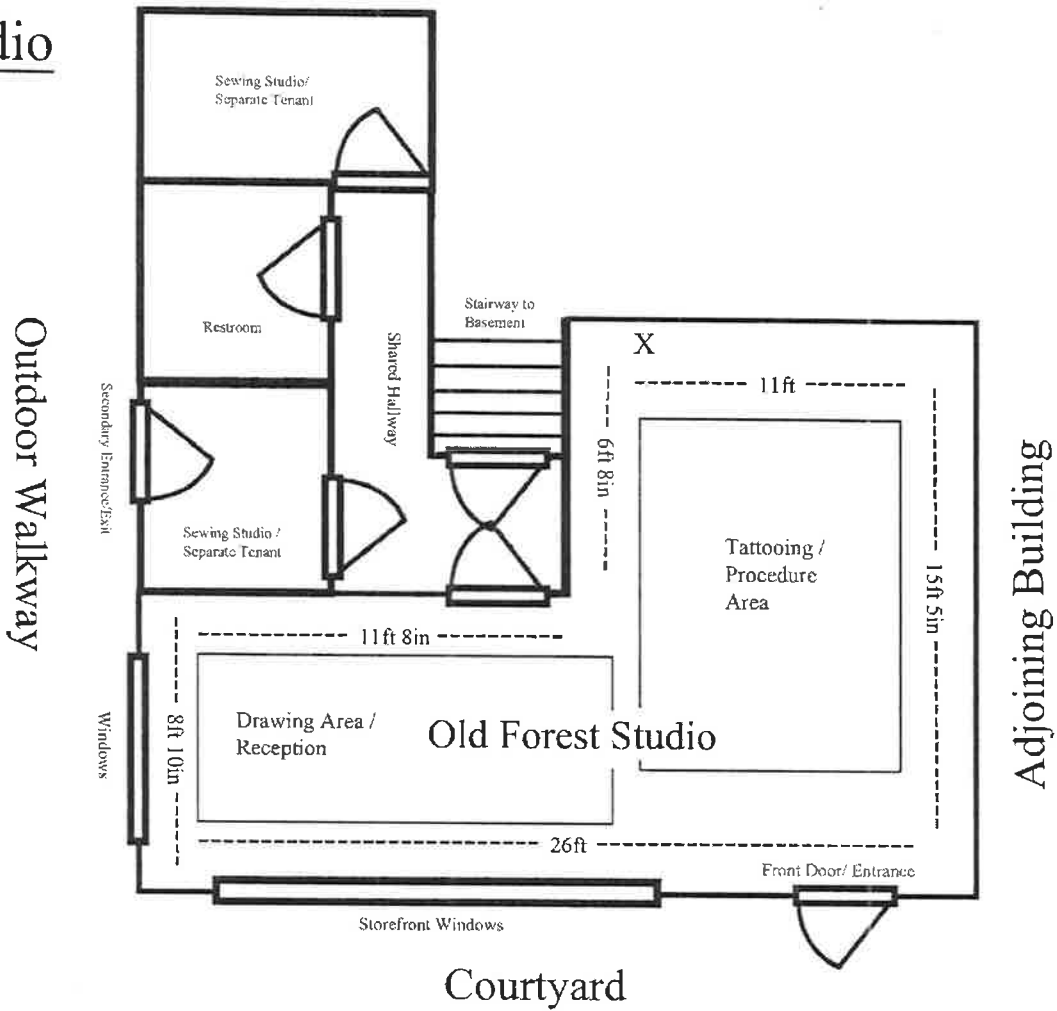
Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: PRELIMINARY FLOOR 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)

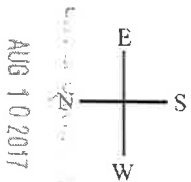


Old Forest Studio

Meredith B. Hall
Old Forest Studio LLC
8660 S. Market Pl.
Oak Creek, WI 53154

August 10th, 2017

X = location of sink to be installed



Location Map

8660 S. Market Pl.

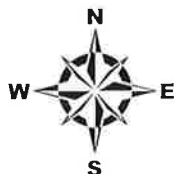


This map is not a survey of the actual boundary of any property this map depicts.



OAKCREEK
— WISCONSIN —

Department of Community Development



Legend	
	8660 S. Market Pl.
Zoning Overlays	
	C-1-Shoreland Wetland
	FF-Flood Fringe
	Lakelands Overlay
	NO-Mixed Use Neighborhood
	CO-Mixed Use Office
	RR-Regional Retail

Meredith B. Hall

2648 N. Farwell Ave.
Milwaukee, WI 53211
(414) 405-4934
boyer.ink@gmail.com

August 10, 2017

City of Oak Creek
Conditional Use Permit Application
Re: Old Forest Studio
8660 S. Market Pl.
Oak Creek, WI 53154

To Whom it may Concern:

I am submitting an application to ask that I be permitted to open Old Forest Studio, a tattoo studio, within Oak Creek's Marketplace Village.

This studio would be located at 8660 S. Market Pl., just off the center courtyard of the village, and will operate largely by appointment only. I would be taking day of or walk in appointments, rarely, but when possible. The building owner, Amber Poklar, is encouraging of my plan and I also have the full support of the Marketplace board.

Tattooing has evolved greatly in recent years becoming much more safe, accepted, and mainstream. I think the addition of a tattoo studio at this location would not only be a progressive step forward for the city of Oak Creek, but that it would also be a great addition to the spirit of the Marketplace Village. With this venture I hope to not only fulfill the goal of owning my own business, but also contribute to Oak Creek's growing business community with what I believe a first class tattoo shop should be.

I have worked in tattoo shops since 2009 and have been tattooing in the Milwaukee area for the past 4+ years. Having traveled all over the country to get tattooed I've seen and experienced a wide variety of shops. I have seen what I think a shop should be and also what I think it shouldn't. I want my personal tattoo shop to embody more of a refined salon atmosphere rather than being your average corner "street shop". I have yet to see this approach to tattooing in Milwaukee or elsewhere. I have a steady and faithful clientele, comprised of mostly women, that I would like to keep and serve within a space I personally manage and maintain. I'd truly love to be on the forefront of this art medium in Oak Creek.

I look forward to hearing from you and getting the chance to work within Oak Creek.

Thank you.

Regards,

Meredith B. Hall

*The attached pages outline the details of my intended business and my proposed plan of operation. Also included is a letter of approval from the Marketplace board president.

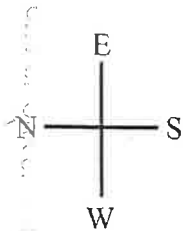
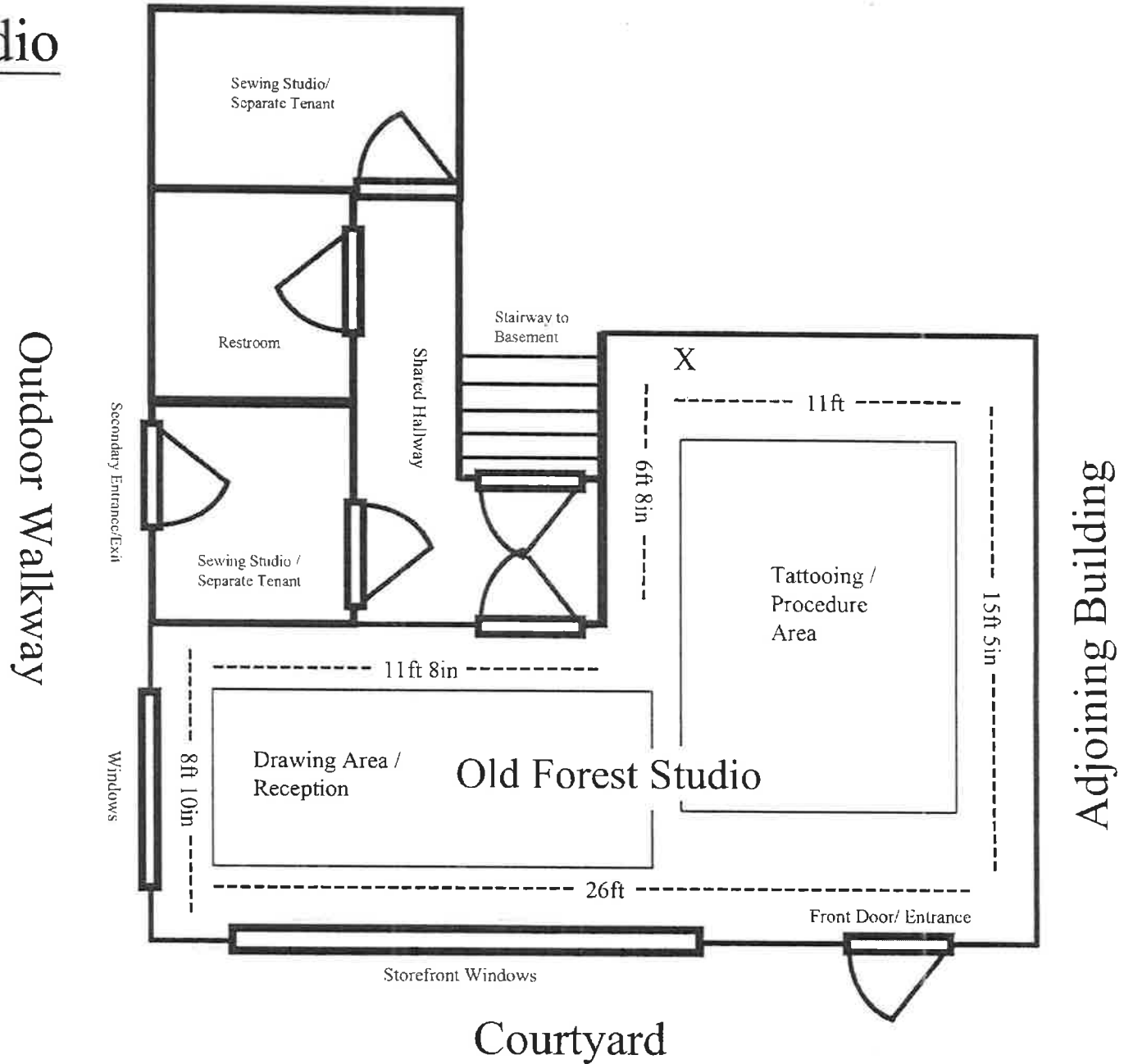
AUG 10 2017

Old Forest Studio

Meredith B. Hall
Old Forest Studio LLC
8660 S. Market Pl.
Oak Creek, WI 53154

August 10th, 2017

X = location of sink to be installed



AUG 10 2017

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

**CONDITIONAL USE PERMIT
OLD FOREST STUDIO
8660 S. MARKET PL.
TAX KEY NO. 823-0029-000**

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

Commissioner Dickmann stated he is pleased that the applicant is going to make this space a more refined salon atmosphere, and he does not think it will be a bad addition.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl., after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (September 26, 2017). Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

9/26/17

Date

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

**CONDITIONS AND RESTRICTIONS
OLD FOREST STUDIO
8660 S. MARKET PL.
TAX KEY NO. 823-0029-000**

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

Mayor Bukiewicz asked the applicant if she has been in contact with the City's Health Department (Sanitarian). Meredith Hall, 2648 N. Farwell, Milwaukee, WI, responded that she has been in contact with the City Sanitarian so that she can get an inspection and paperwork going as soon as the November 7, 2017 public hearing is done.

Commissioner Correll moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl., after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

10/10/17

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 by Olympic Real Estate Holdings, LLC for a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy.

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

Applicant: Olympic Real Estate Holdings, LLC
Property Owner: K & Z Partners II, LLC
Property Location(s): 10450 S. Oakview Pkwy.
Tax Key(s): 955-1019-000

Legal Description:

Lot 1 of Certified Survey Map No. 8702, recorded June 15, 2015, in Reel 8655, as Document No. 10470264, being a redivision of all of Lot 2 of Certified Survey Map No. 8508, located in the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; and the Northeast $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for November 7, 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: October 11, 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: November 7, 2017

Item No.: 10

Recommendation: That the Council adopts Ordinance 2877, an ordinance to approve a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy.

Background: Olympic Real Estate Holdings, LLC, is requesting Conditional Use approval for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy. Freight yard/ freight terminal/trans-shipment depot uses are Conditional Uses in the M-1, Manufacturing district.

Council may recall that a 133,190 square-foot multitenant industrial building was approved for the property in 2016. One of the tenants, Pilot Air Freight, has signed a lease agreement to occupy 44,597 square feet of the existing building. According to the submitted narrative, Pilot will relocate their existing logistics and shipping operation to accommodate their growth. Up to 42 employees will be based out of the leased space, with hours of operation between 6:30 AM and 10:00 PM seven days per week. Plans submitted show 5,506 square feet of the leased space will be office, although the narrative states that 7,400 square feet will be office space. The remaining space will be for warehouse use.

Warehousing requires a minimum of one (1) stall for every 5,000 square feet of gross floor area, plus one (1) stall per employee at peak shift. Office uses are required to provide one (1) space per 250 square feet of gross floor area, plus one (1) space per employee at peak shift. As of writing this report, no information has been provided regarding employees per shift. If forty-two (42) employees will be onsite at all times, 72 - 79 parking stalls would be required just for the Pilot leased space.

Truck parking is designated on the east side of the building. A total of 40 stalls are provided for all tenants, excluding dock areas. Nine (9) loading docks are designated for the Pilot tenant space. According to the narrative, Pilot will operate ten (10) trailers and eight (8) box trucks, but only ten (10) will be parked overnight in designated stalls.

A total of 118 parking stalls on the west side of the building are provided for all tenants and visitors. Per the Plan Review in 2016, up to four (4) tenants could be accommodated in the building. If Pilot will be allotted 42 parking stalls, the remaining 76 would have to be divided amongst, potentially, three (3) other tenants (approximately 25 stalls per lease). Without knowing the employees anticipated at peak shifts, and the use of the remaining 88,593 square feet, there is no way to determine whether there is adequate parking for all uses.

No outdoor storage has been requested, and no outdoor storage areas were approved as part of Plan Review for the site and building. One (1) trash enclosure between loading dock areas approved during Plan Review will be utilized by all tenants. Signs have not been submitted for review; however, per the conditions of Plan approval in 2016, a sign plan for the building must be submitted for review and approval by the Plan Commission prior to issuance of permits for any tenant signs.

The Plan Commission reviewed the proposed Conditional Use Permit at their meeting on October 10, 2017, and has recommended its approval subject to the attached Conditions and Restrictions.

Fiscal Impact: This proposed Conditional Use Permit would allow for the occupancy of a currently-vacant commercial space. No direct fiscal impact, other than permit fees, is anticipated. This property is located in TID 8.

Prepared by:



Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2877

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT USES ON THE PROPERTY AT 10450 S. OAKVIEW PKWY.

(5th Aldermanic District)

WHEREAS, OLYMPIC REAL ESTATE HOLDINGS, LLC, has applied for a Conditional Use Permit that would allow freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy.; and

WHEREAS, the properties are more precisely described as follows:

Lot 1 of Certified Survey Map No. 8702, recorded June 15, 2015, in Reel 8655, as Document No. 10470264, being a redivision of all of Lot 2 of Certified Survey Map No. 8508, located in the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; and the Northeast $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

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

WHEREAS, the Common Council held a public hearing on this matter on November 7, 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 freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy., 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 freight yard/freight terminal/trans-shipment depot uses.

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 7th day of November, 2017.

President, Common Council

Approved this 7th day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Olympic RE Holdings, LLC, K&Z Partners II, LLC	Approved by Plan Commission: TBD
Property Addresses: 10450 S. Oakview Parkway	Approved by Common Council: TBD
Tax Key Numbers: 955-1019-000	(Ord. # 2877)
Conditional Use: Freight yard/freight terminal/trans-shipment depot uses	

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 8702, recorded June 15, 2015, in Reel 8655, as Document No. 10470264, being a redivision of all of Lot 2 of Certified Survey Map No. 8508, located in the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ of the Northeast ¼; and the Northeast ¼ and Northwest ¼ of the Southeast ¼ of Section 32, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. 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)
- 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

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)
- 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. All trucks and trailers shall be parked in designated parking stalls on the east side of the property.

B. There shall be no outdoor storage of materials, equipment, or supplies.

C. There shall be no maintenance of vehicles on the property.

D. Solid waste collection and recycling shall be the responsibility of the owner

E. 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 provided in accordance with the approved OakView Business Park Planned Unit Development Conditions and Restrictions (as amended), site plans approved by the Plan Commission on September 27, 2016 (as amended), and 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	40 ft	20 ft	20 ft
Accessory Structure*	40 ft	5 ft	5 ft
Parking	30 ft	5 ft	5 ft

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

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. REVOCAION

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

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

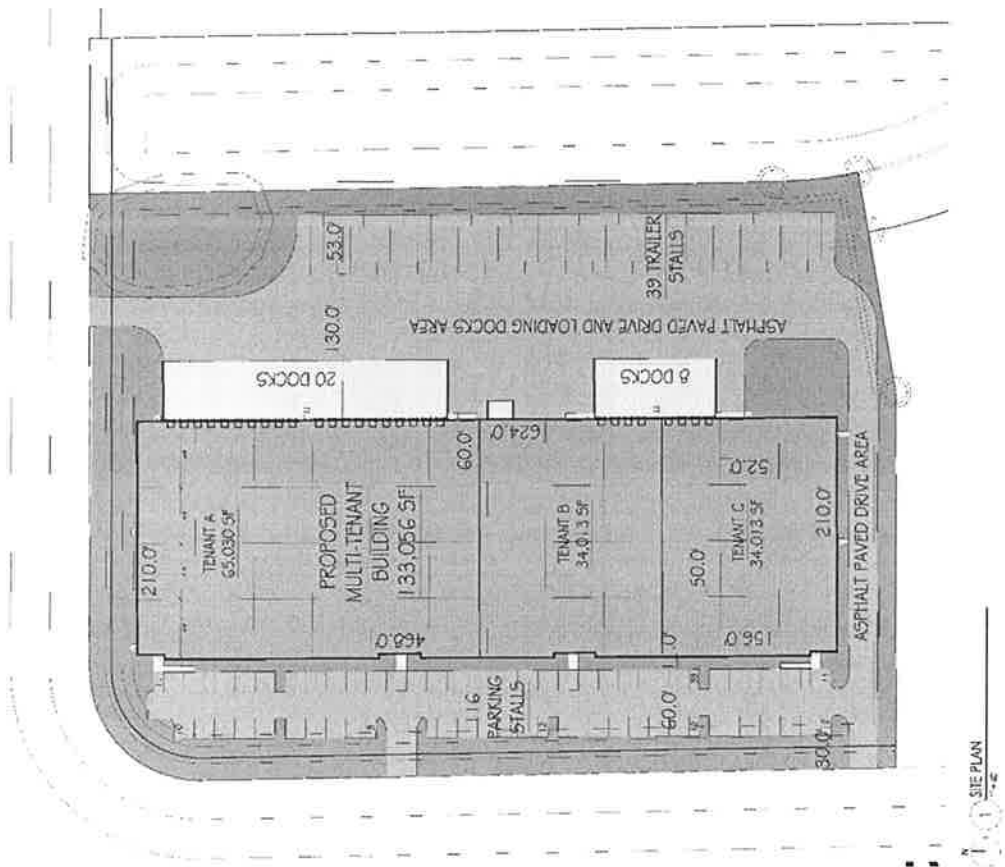
Date

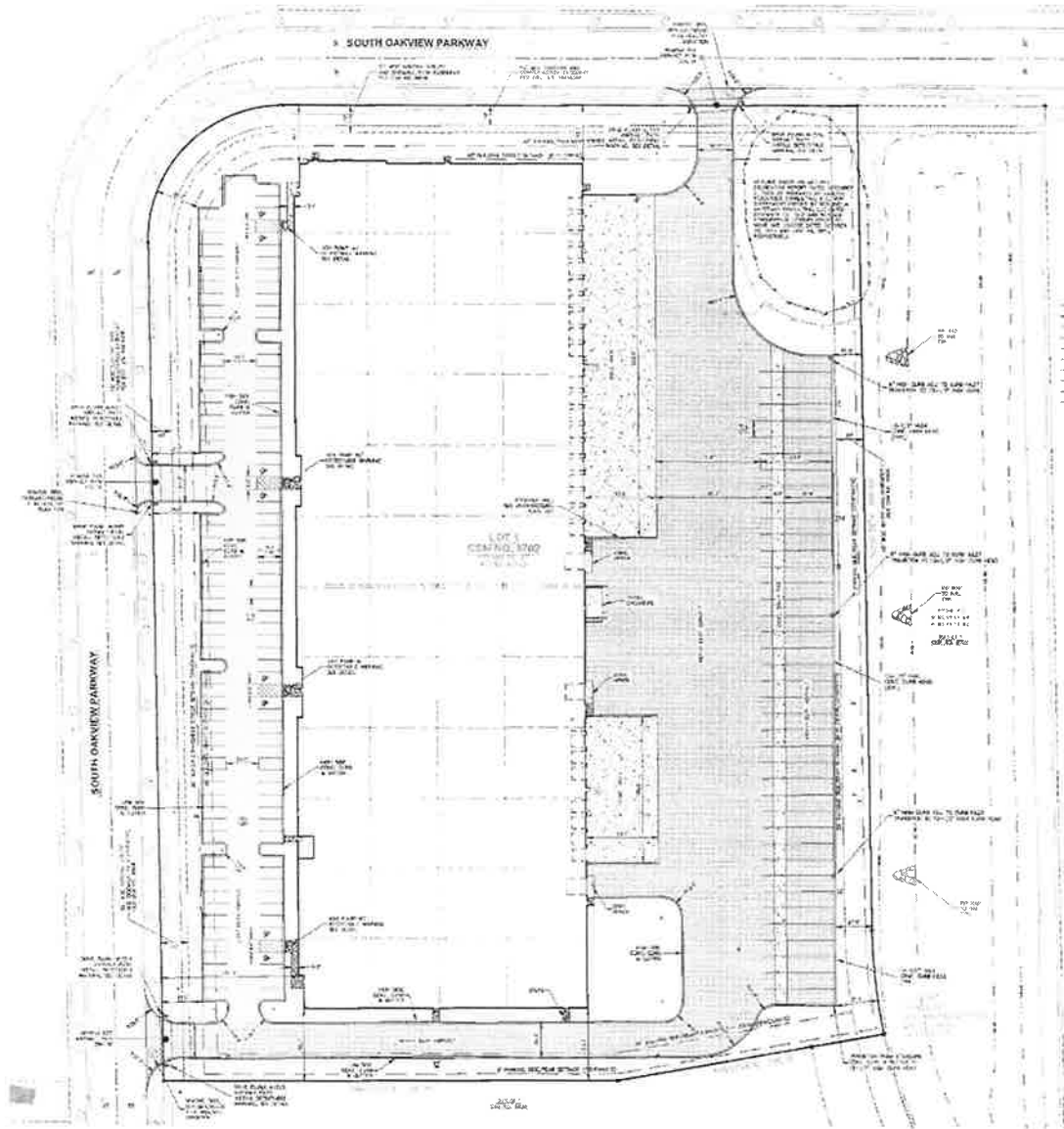
(please print name)

EXHIBIT A: APPROVED SITE PLANS

(Modifications to these plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission)

	ARCHITECTURAL SITE PLAN		OAK CREEK, WI 133K SF MULTI-TENANT BUILDING		SHEET NO. A0.1 DATE:
---	-------------------------	--	--	--	-------------------------





PAVING NOTE

1. ALL PAVING AND CURBS TO BE OF UNIFORM GRADE UNLESS OTHERWISE NOTED.
2. ALL PAVING SHALL BE CONFORMED TO THE SPECIFICATIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
3. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
4. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.

LEGEND

- 1. ASPHALT DRIVE
- 2. ASPHALT DRIVE
- 3. ASPHALT DRIVE
- 4. ASPHALT DRIVE
- 5. ASPHALT DRIVE
- 6. ASPHALT DRIVE
- 7. ASPHALT DRIVE
- 8. ASPHALT DRIVE
- 9. ASPHALT DRIVE
- 10. ASPHALT DRIVE
- 11. ASPHALT DRIVE
- 12. ASPHALT DRIVE
- 13. ASPHALT DRIVE
- 14. ASPHALT DRIVE
- 15. ASPHALT DRIVE
- 16. ASPHALT DRIVE
- 17. ASPHALT DRIVE
- 18. ASPHALT DRIVE
- 19. ASPHALT DRIVE
- 20. ASPHALT DRIVE
- 21. ASPHALT DRIVE
- 22. ASPHALT DRIVE
- 23. ASPHALT DRIVE
- 24. ASPHALT DRIVE
- 25. ASPHALT DRIVE
- 26. ASPHALT DRIVE
- 27. ASPHALT DRIVE
- 28. ASPHALT DRIVE
- 29. ASPHALT DRIVE
- 30. ASPHALT DRIVE
- 31. ASPHALT DRIVE
- 32. ASPHALT DRIVE
- 33. ASPHALT DRIVE
- 34. ASPHALT DRIVE
- 35. ASPHALT DRIVE
- 36. ASPHALT DRIVE
- 37. ASPHALT DRIVE
- 38. ASPHALT DRIVE
- 39. ASPHALT DRIVE
- 40. ASPHALT DRIVE
- 41. ASPHALT DRIVE
- 42. ASPHALT DRIVE
- 43. ASPHALT DRIVE
- 44. ASPHALT DRIVE
- 45. ASPHALT DRIVE
- 46. ASPHALT DRIVE
- 47. ASPHALT DRIVE
- 48. ASPHALT DRIVE
- 49. ASPHALT DRIVE
- 50. ASPHALT DRIVE
- 51. ASPHALT DRIVE
- 52. ASPHALT DRIVE
- 53. ASPHALT DRIVE
- 54. ASPHALT DRIVE
- 55. ASPHALT DRIVE
- 56. ASPHALT DRIVE
- 57. ASPHALT DRIVE
- 58. ASPHALT DRIVE
- 59. ASPHALT DRIVE
- 60. ASPHALT DRIVE
- 61. ASPHALT DRIVE
- 62. ASPHALT DRIVE
- 63. ASPHALT DRIVE
- 64. ASPHALT DRIVE
- 65. ASPHALT DRIVE
- 66. ASPHALT DRIVE
- 67. ASPHALT DRIVE
- 68. ASPHALT DRIVE
- 69. ASPHALT DRIVE
- 70. ASPHALT DRIVE
- 71. ASPHALT DRIVE
- 72. ASPHALT DRIVE
- 73. ASPHALT DRIVE
- 74. ASPHALT DRIVE
- 75. ASPHALT DRIVE
- 76. ASPHALT DRIVE
- 77. ASPHALT DRIVE
- 78. ASPHALT DRIVE
- 79. ASPHALT DRIVE
- 80. ASPHALT DRIVE
- 81. ASPHALT DRIVE
- 82. ASPHALT DRIVE
- 83. ASPHALT DRIVE
- 84. ASPHALT DRIVE
- 85. ASPHALT DRIVE
- 86. ASPHALT DRIVE
- 87. ASPHALT DRIVE
- 88. ASPHALT DRIVE
- 89. ASPHALT DRIVE
- 90. ASPHALT DRIVE
- 91. ASPHALT DRIVE
- 92. ASPHALT DRIVE
- 93. ASPHALT DRIVE
- 94. ASPHALT DRIVE
- 95. ASPHALT DRIVE
- 96. ASPHALT DRIVE
- 97. ASPHALT DRIVE
- 98. ASPHALT DRIVE
- 99. ASPHALT DRIVE
- 100. ASPHALT DRIVE

PAVING STRIPING NOTE

1. ALL PAVING SHALL BE STRIPED IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
2. ALL PAVING SHALL BE STRIPED IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
3. ALL PAVING SHALL BE STRIPED IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
4. ALL PAVING SHALL BE STRIPED IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.

PAVING MATERIAL THICKNESS NOTE

1. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
2. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
3. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.
4. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) AND THE CITY OF OAK CREEK.

NEIGHBORHOOD MAP

PROJECT INFO

PROJECT: 10450 S. OAKVIEW PARKWAY
 CLIENT: JSD INDUSTRIAL SERVICES, INC.
 DATE: 10/15/2014
 DRAWN BY: JSD
 CHECKED BY: JSD

CONTACT INFO

JSD Industrial Services, Inc.
 10450 S. OAKVIEW PARKWAY
 OAKVIEW, MI 48453
 PHONE: 248-452-4525
 WWW.JSDINC.COM

BRIGHT

SITE LAYOUT AND PAVEMENT ID PLAN

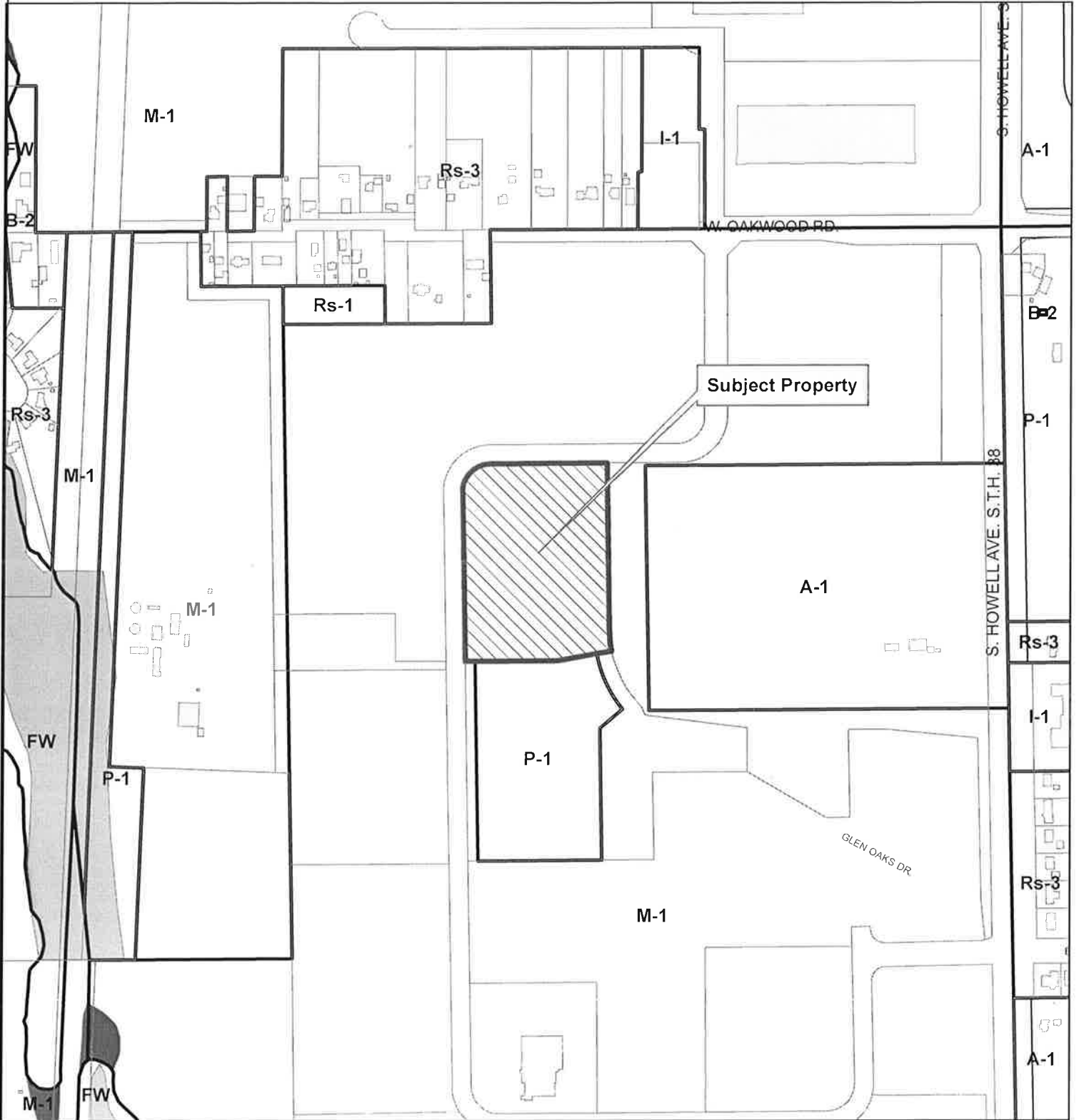
OAKVIEW INDUSTRIAL FACILITY
 10450 S. OAKVIEW PARKWAY
 OAKVIEW BUSINESS PARK
 LOT 1 OF CSM NO. 8702
 CITY OF OAK CREEK, MI

C1.0

EXHIBIT A: APPROVED SITE PLANS (CONT'D)

Location Map

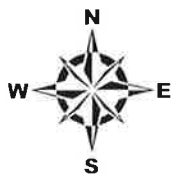
10450 S. Oakview Parkway



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



Department of Community Development



Legend	
	10450 S. Oakview Parkway
	Zoning Overlays
	C-1-Shoreland Wetland
	FF-Flood Fringe
	Lakefront Overlay
	NO-Mixed Use Neighborhood
	OO-Mixed Use Office
	RR-Regional Retail

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

**CONDITIONAL USE PERMIT
OLYMPIC REAL ESTATE HOLDINGS
10450 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1019-000**

Planner Papelbon provided an overview of the request to allow freight yard/freight terminal/trans-shipment depot uses on the property (see staff report for details.)

Debbie Tomczyk, Reinhart Boerner, 1000 N. Water Street, Suite 1700, Milwaukee, WI, stated that it would be much appreciated if there is any way they could keep things moving as they have tenants that are ready to come online. Anything that can be done to expedite the process would be appreciated.

Commissioner Chandler asked if there will be sufficient parking with the three tenants for this building. Planner Papelbon responded that without knowing exactly what the tenant needs are, it is going to be up to the landowner to determine how those parking stalls are vetted out for each of the proposed uses. If they are confident that the existing parking is going to be sufficient for those users, that is something that will be between the landowner and the tenants.

Commissioner Chandler confirmed with the applicant that they do not need outdoor storage. Such was confirmed.

Mayor Bukiewicz asked if staff had any concerns on the dolly storage. Planner Papelbon responded that there are designated trailers stalls for truck parking. There are eight or nine docks for Pilot Freight, and an additional bank of docks for the remaining tenants. As long as everything is parked in a stall, there is no concern. All pallets must be stored inside or disposed of.

Commissioner Johnston asked about the hours of operation. Planner Papelbon responded that the hours of operation are 6:30 a.m. to 10:00 p.m. seven days a week.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy., 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 Siepert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

10/10/17

Date

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

**CONDITIONS AND RESTRICTIONS
OLYMPIC REAL ESTATE HOLDINGS, LLC
FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT
10450 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1019-000**

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

Commissioner Johnston asked if the hours of operation needed to be added to the conditions and restrictions. Planner Papelbon responded that the hours of operation are going to be as required by the individual users. Since this is in the PUD in an M-1 district, hours of operation are not necessarily as concerning. Information was submitted with the site plan review that stated that hours of operation for this particular parcel would be between 6 a.m. and 6 p.m.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Pkwy., after a public hearing. Commissioner Loreck seconded. On roll call: all voted aye. Motion carried.

ATTEST:

Douglas Seymour, Plan Commission Secretary

October 11, 2017
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 Chris Nutini, Kwik Trip, for an amendment to the existing Conditional Use Permit to allow outdoor storage and display of retail ice and propane merchandise on the property at 6300 S. 27th St.

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

Applicant: Chris Nutini
Property Owner: Roman & Susan Lewandowski Generation Skipping Trust, FBO
Lorna Henderson and Chrystal Sue Abhalter, C/O Lorna
Hendersonk
Property Location(s): 6300 S. 27th St.
Tax Key(s): 715-9042-001

Legal Description:

Lot 1 of Certified Survey Map No. 8417, recorded in the Milwaukee County Register of Deeds on January 6, 2012, as Document No. 10070288, being a redivision of Certified Survey Map No. 403 and the lands in the Northwest ¼ of the Northwest ¼ of Section 6, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, EXCEPT for property conveyed in Warranty Deed recorded May 27, 2014 as Document No. 10362244.

The Common Council has scheduled other public hearings for November 7, 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: October 11, 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: November 7, 2017

Item No.: 12

Recommendation: That the Council adopts Ordinance 2878, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2331 to allow outdoor storage and display of ice and propane retail merchandise on the property at 6300 S. 27th St.

Background: Kwik Trip, Inc., is requesting Conditional Use approval for outdoor storage and display of ice and propane retail merchandise at 6300 S. 27th St. Outdoor storage and display of retail merchandise is considered a Conditional Use in the B-2, Community Business district. To be consistent with other approvals in the City for similar uses, staff is recommending that the outdoor storage and display of retail merchandise be expressly limited to ice within a storage container and propane within a locked cage in the locations identified on the submitted plan. No other retail merchandise will be allowed to be stored or displayed outside of the retail store, including, but not limited to, under the fueling canopies.

The Plan Commission reviewed the proposed Amendment to the existing Conditional Use Permit at their meeting on October 10, 2017, and has recommended its approval subject to the attached Conditions and Restrictions.

Fiscal Impact: No direct fiscal impact is anticipated with this project (other than permit fees). The existing use of the property is not changing, and this property is not located in a TIF district.

Prepared by:



Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2878

By: _____

AN ORDINANCE AMENDING ORDINANCE NO. 2331 TO ALLOW OUTDOOR STORAGE AND DISPLAY OF ICE AND PROPANE RETAIL MERCHANDISE ON THE PROPERTY AT 6300 S. 27TH ST.

(2nd Aldermanic District)

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

WHEREAS, Ordinance No. 2331, which was adopted on November 16, 2004, authorized the issuance of a conditional use permit to allow for a car wash on the property at 6300 S. 27th St.; and

WHEREAS, the Ordinance affected the following legally described property;

Lot 1 of Certified Survey Map No. 8417, recorded in the Milwaukee County Register of Deeds on January 6, 2012, as Document No. 10070288, being a redivision of Certified Survey Map No. 403 and the lands in the Northwest ¼ of the Northwest ¼ of Section 6, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, EXCEPT for property conveyed in Warranty Deed recorded May 27, 2014 as Document No. 10362244.

WHEREAS, Chris Nutini, Kwik Trip, on behalf of the owner of the Properties, URSA Oak Creek, LLC, is requesting that of the Ordinance be amended to allow outdoor storage and display of retail merchandise; 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 November 7, 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 8E of the conditions and restrictions approved by the Ordinance affecting the Property is amended to allow outdoor storage and display of retail merchandise.

SECTION 2: Section 1 of the conditions and restrictions is amended to include the legal description of the property.

SECTION 3: Section 2A of the conditions and restrictions is amended to read "All requirements of the City of Oak Creek Municipal Code, as amended, are in effect."

SECTION 4: Section 6C of the conditions and restrictions is amended to eliminate Section C, and to add "Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping."

SECTION 5: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 6: 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 7: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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

Passed and adopted this 7th day of November, 2017.

President, Common Council

Approved this 7th day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Kwik Trip, Inc.

Property Addresses: 6300 S. 27th St.

Tax Key Numbers: 955-1019-000

Conditional Use: Gas station and car wash

Approved by Plan Commission: 10-10-17

Approved by Common Council: TBD

(Ord. # 2878, Amending Ord. #2331)

Outdoor storage and display of ice and propane retail merchandise

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 8417, recorded in the Milwaukee County Register of Deeds on January 6, 2012, as Document No. 10070288, being a redivision of Certified Survey Map No. 403 and the lands in the Northwest ¼ of the Northwest ¼ of Section 6, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, EXCEPT for property conveyed in Warranty Deed recorded May 27, 2014 as Document No. 10362244.

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 locations (including canopies) 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 per shift
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks
- h) location of loading berths
- i) location of sanitary sewer (existing and proposed)
- j) location of water (existing and proposed)
- k) location of storm sewer (existing and proposed) including detention/retention basins if needed
- l) location of outdoor storage
- m) location of wetlands (field verified)
- n) location, square footage and height of signs
- o) cross-access easements

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 (including canopies)
- b) building floor plans
- c) materials of construction

4) Lighting Plan

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

5) Grading, Drainage and Stormwater Management Plan

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

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. A Development Agreement shall be completed between the owner and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required by these conditions and restrictions.
- E. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- G. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded. If required by the Common Council, a development agreement also shall be completed between the owner and the City prior to approval of said land division document, so as to ensure the construction or installation of public improvements required in these conditions and restrictions and Chapter 14 of the Municipal Code.
- H. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- I. 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 at the following rate based on Section 17.0403(j)(2) of the Zoning Code:
 - Convenience Grocery Stores*, one (1) space per 100 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- B. Where 90° parking is indicated on the site plans, individual parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.

- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property must be approved by the City Engineer, and shall be in compliance with all the standards set forth in Chapter 23 of the Oak Creek Municipal Code and Wisconsin Department of Transportation. Any off-site improvements shall be the responsibility of the property owner.
- G. The two (2) driveways providing access to properties to the south must remain open and maintained by PDQ
- H. All off street parking areas shall be landscaped in accordance with Sections 17.0403(g) & (h) of the Municipal Code.

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

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 and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, and large equipment.

4. LIGHTING

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

5. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	25 ft.	25 ft.	20 ft.
Gas Pumps	25 ft.	25 ft.	25 ft.
Canopy	20 ft.	20 ft.	20 ft.
Accessory Structure (Car Wash)	25 ft.	5 ft.	5 ft.
Off-street Parking	10 ft.	5 ft.	5 ft.

6. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. ~~There shall be no outdoor storage of merchandise permitted as part of this conditional use.~~
- D. Hours of operation shall allow for the business to be open twenty-four (24) hours a day.
- E. On-site filling of liquid propane (LP) tanks is prohibited.
- F. **Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping.**

7. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code. No pole signs are permitted as part of this conditional use.

8. PERMITTED USES

- A. All permitted uses in the B-2, Community Business district.
- B. One (1) Gasoline service station.
- C. One (1) Car Wash.
- D. One (1) Convenience Store.
- E. **Outdoor storage and display of retail merchandise limited to one (1) ice receptacle and one (1) propane cage along the south side of the building. No other outdoor storage or outdoor display of any retail merchandise is allowed.**
- F. Usual and customary accessory uses to the above listed permitted uses.

9. TIME OF COMPLIANCE

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

10. OTHER REGULATIONS

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

11. 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.

12. REVOCAION

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

13. ACKNOWLEDGEMENT

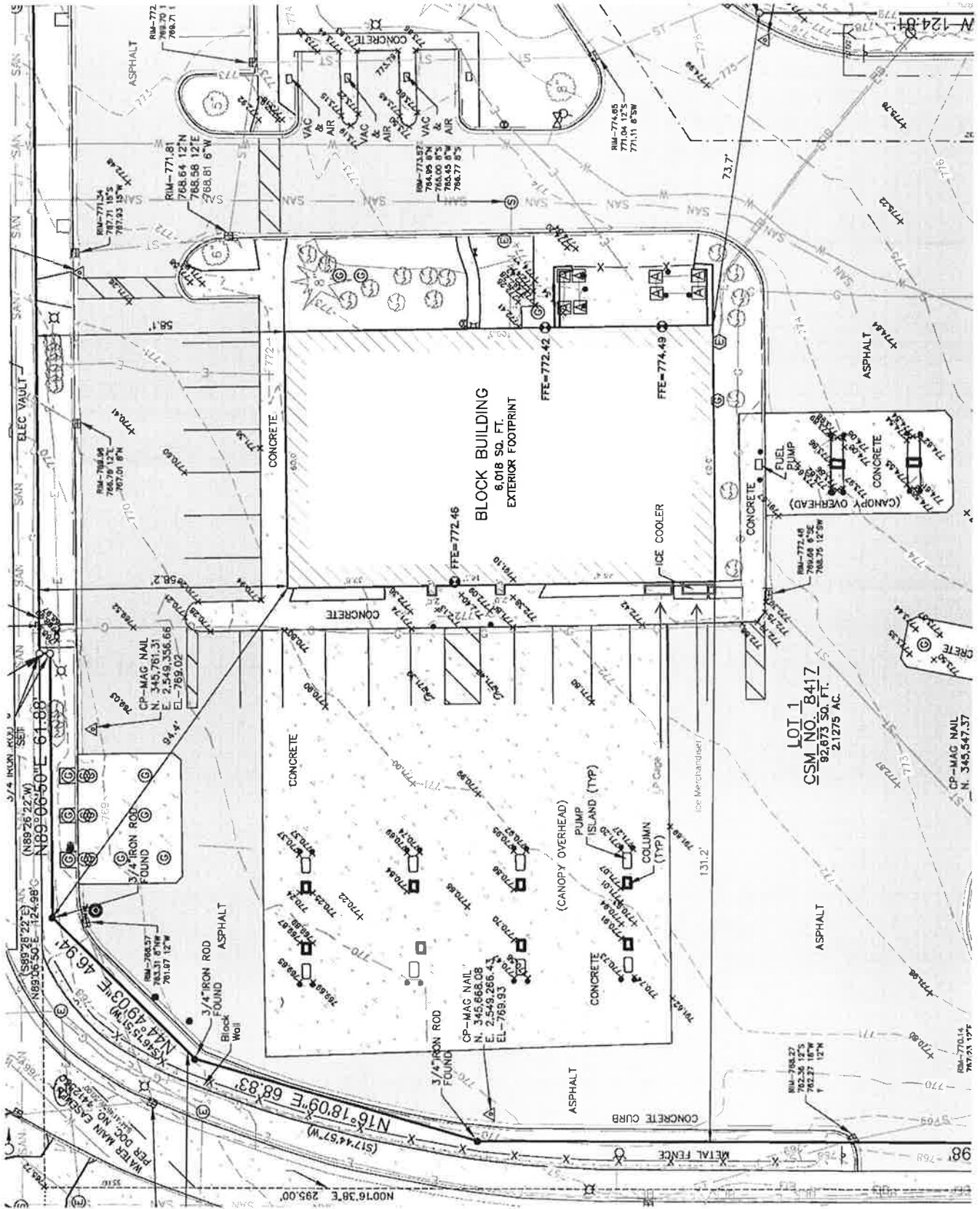
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

Owner / Authorized Representative Signature

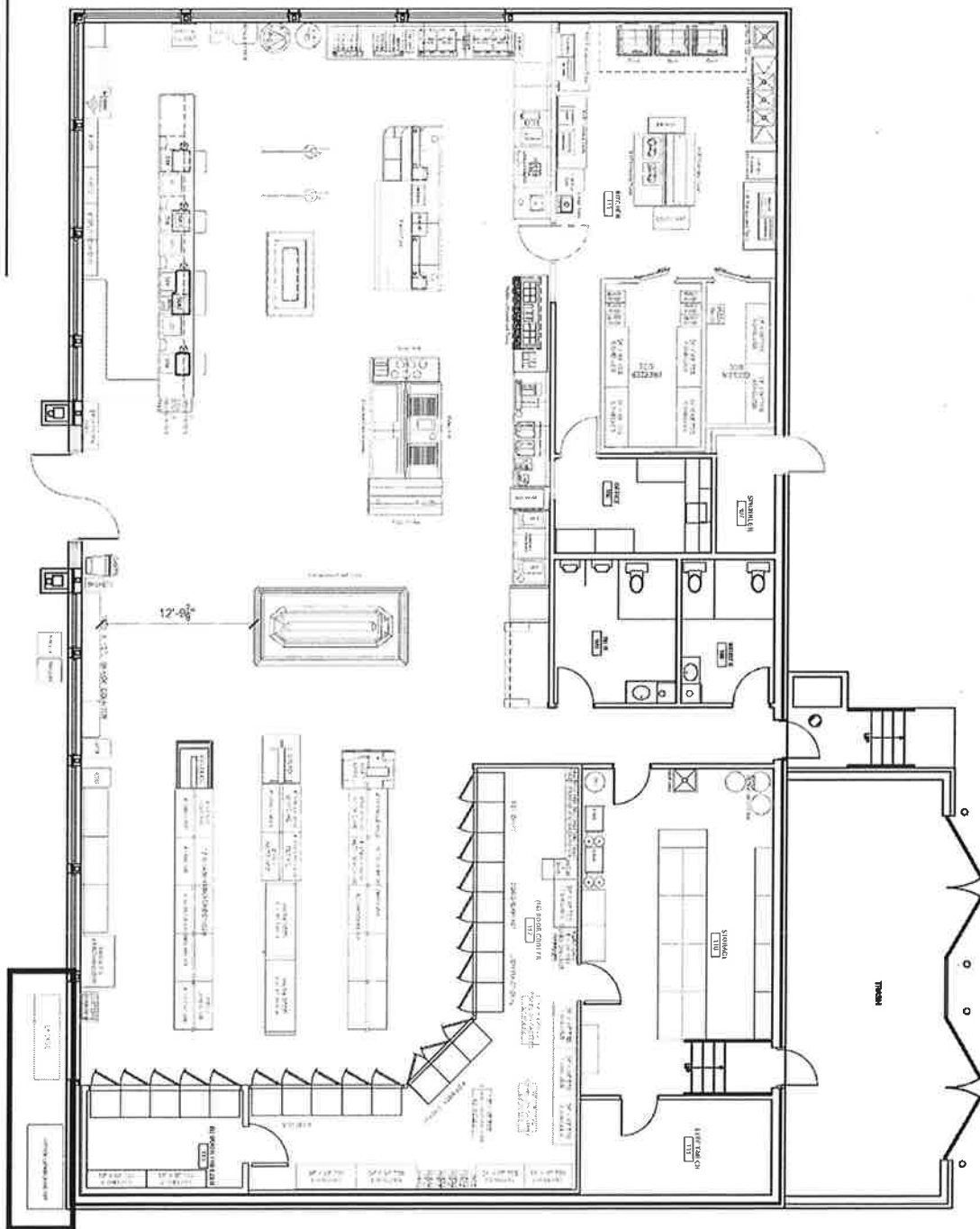
Date

(please print name)

EXHIBIT A: APPROVED SITE PLANS (CONT'D)



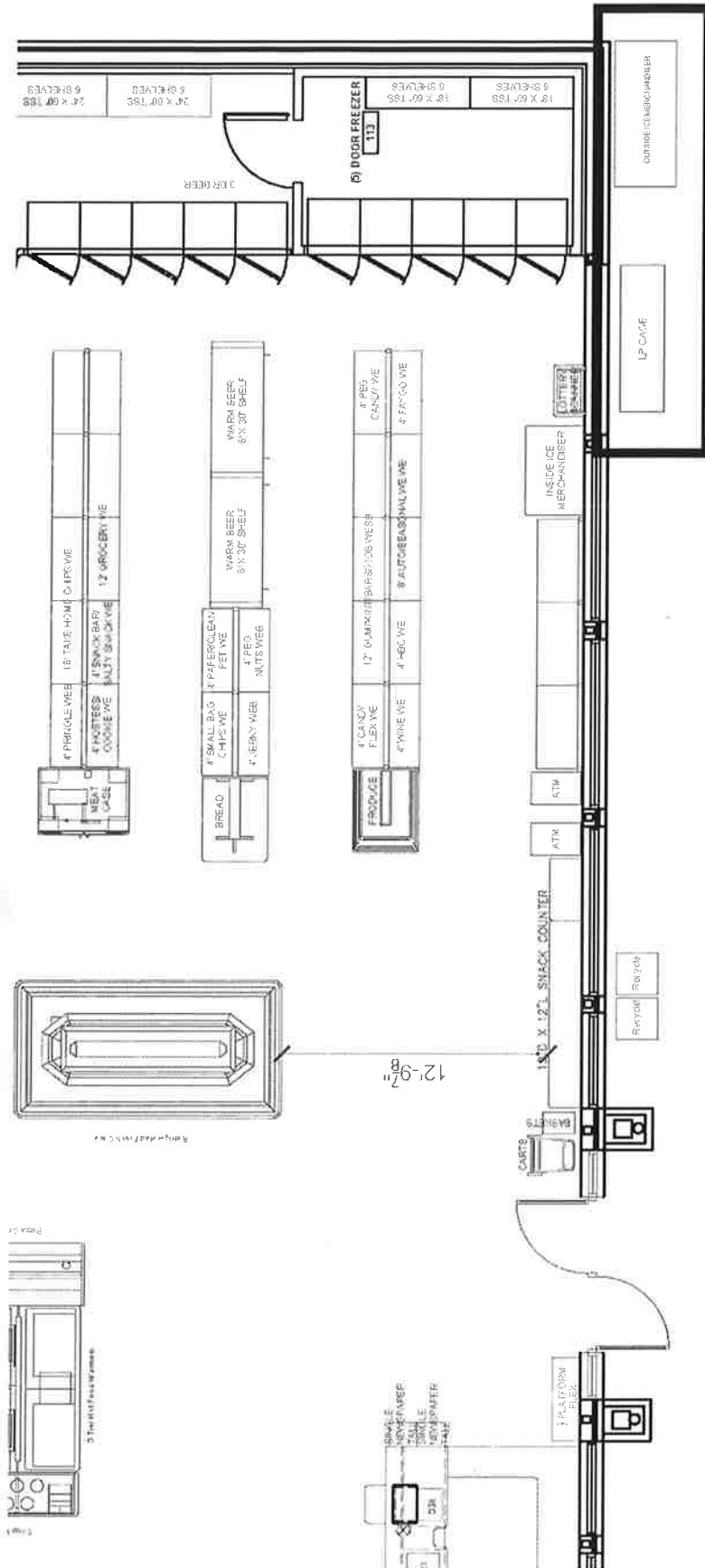
FLOOR PLAN
1/8" = 1'-0"



REMODEL PLAN CONVENIENCE STORE #976 PHASE 2 6300 S. 27TH ST OAK CREEK, WI	KWIK TRIP, INC. P.O. BOX 2315 1500 S. 27TH ST MILWAUKEE, WI 53228 PHONE: (414) 224-1111		

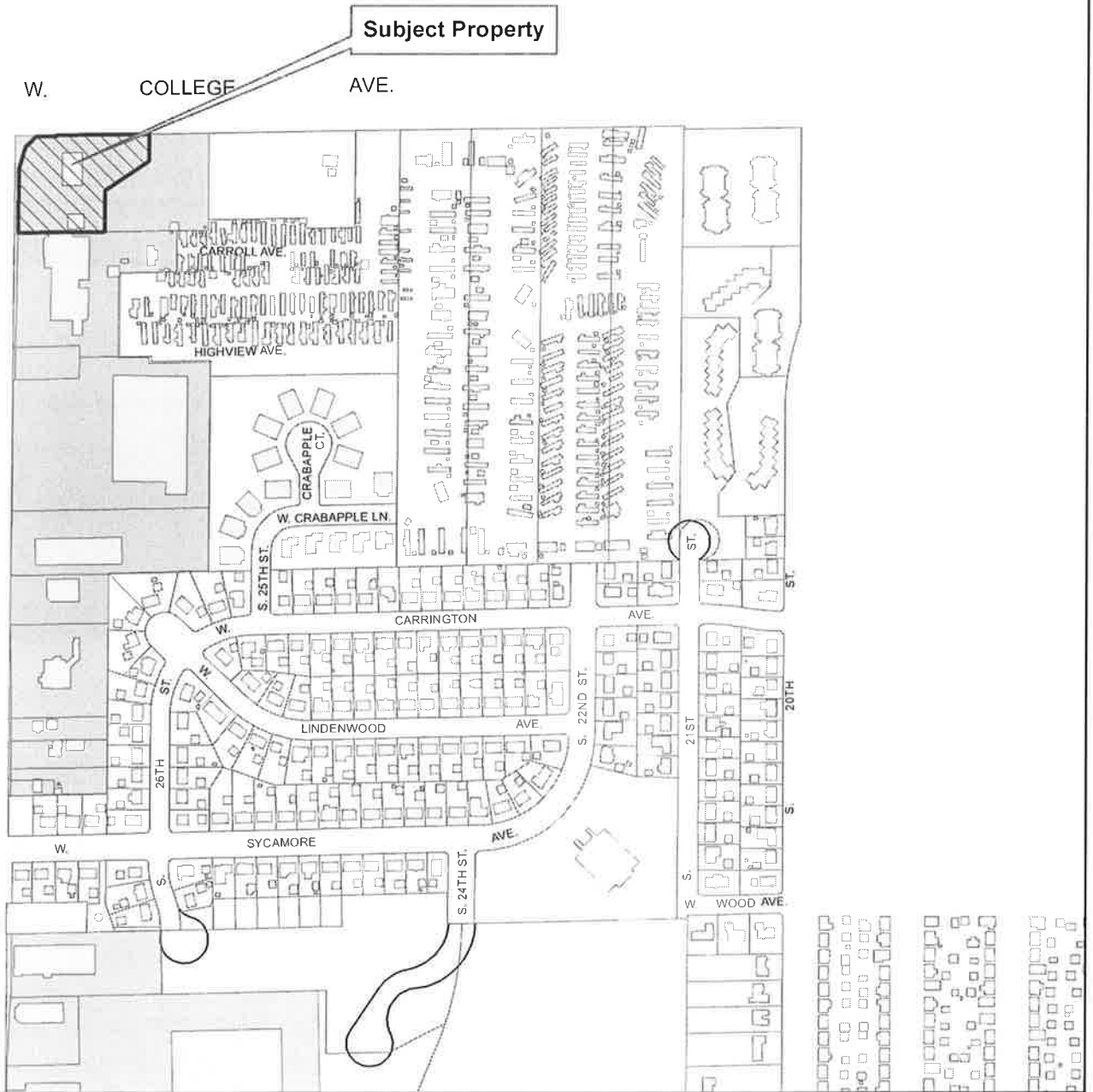
EXHIBIT A: APPROVED SITE PLANS (CONT'D)

EXHIBIT A: APPROVED SITE PLANS (CONT'D)



Location Map

6300 S. 27th St.

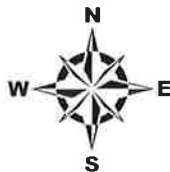


This map is not a survey of the actual boundary of any property this map depicts.



OAKCREEK
— WISCONSIN —

Department of Community Development



Legend	
	6300 S. 27th St.
Zoning Overlays	
	C-1-Shoreland Wetland
	FF-Flood Fringe
	Lakefront Overlay
	HO-Mixed Use Neighborhood
	OO-Mixed Use Office
	RR-Regional Retail

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

**CONDITIONAL USE PERMIT AMENDMENT
KWIK TRIP
6300 S. 27TH ST.
TAX KEY NO. 715-9042-001**

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

Planner Papelbon added that part of the reason for the applicant choosing the proposed location is because Kwik Trip is taking over this site. There is going to be some reconfiguration of the site. There are parking spaces near the building entrance, so it makes sense to keep the clutter away from the entrance itself.

Commissioner Johnston stated that they are saying it will be on the south side, but the drawing shows it on the west side.

Commissioner Dickmann moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit and adopts the Conditions and Restrictions for the Conditional Use Permit allowing outdoor storage and display of ice and propane retail merchandise on the property at 6300 S. 27th St. after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Loreck seconded. On roll call: all voted aye. The meeting was adjourned at 7:06 p.m.

ATTEST:

Douglas Seymour, Plan Commission Secretary

October 11, 2017
Date

City of Oak Creek Common Council Report

Meeting Date: 11/07/2017

Item No.: 13

Communication: Attached please find the summarized Treasurer's Report for the City of Oak Creek investment and banking accounts, for the month ending September 30, 2017.

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

This monthly report, along with an additional comprehensive report, is reviewed by the Finance Committee to assist with investment decisions and other financial strategies. The attached report is for the month ending September 30, 2017 and is highlighted below:

<u>Investment/Banking:</u>	<u>Beginning Bal</u>	<u>Ending Bal</u>	<u>Interest Earned</u>	<u>Rate</u>
• Tri City Bank	\$ 4,888,477.81	\$ 5,111,588.69	\$ 4,184.07	1.13167%
• DANA Investments	\$ 6,672,445.32	\$ 5,680,594.52	\$11,224.89	1.36%
• BMO Global	\$ 4,873,932.57	\$ 4,866,651.57	\$ 4,446.07	1.63%
• American Deposit	\$ 3,727,325.11	\$ 3,730,417.37	\$ 3,092.26	1.01%/0%
• LGIP	\$13,308,437.63	\$ 7,005,922.32	\$ 8,162.67	1.03%
• Ehlers	<u>\$ 4,501,253.63</u>	<u>\$ 6,355,437.37</u>	<u>\$ 15.92</u>	1.0855%
• Total Treasury	\$37,971,872.07	\$37,750,611.84	\$31,125.88	
<u>Tax Collections:</u>				
• Collections at City Hall (Tax Acct 2)		\$0		
• Collections At Bank/Lockbox		\$ _____		
Total Tax Collections		\$0	0.00%	of Tax Levied

Please note: an adjustment was made to the Ehlers beginning balance and a new line was added due to how the fees are charged and interest is allocated to the account. Also, I am unable to attend this meeting so if you have any questions please contact me.

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

Prepared by:



Barbara Guckenberger, CMTW
City Treasurer

Respectfully submitted by:



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

Fiscal Reviewed by:



Bridget M. Souffrant,
Finance Director / Comptroller

City of Oak Creek Treasurer Report on Investment and Banking							
Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
Tri City National Bank	4,888,477.81	9,827,033.04	(9,603,922.16)	5,111,588.69	4,184.07	1.13167%	15.61%
General Fund	4,584,328.77	9,450,137.81	(9,330,733.65)	4,703,732.93			
Title 125	35,224.85		(12,007.34)	23,217.51			
Police Credit Card	23,858.23	15,342.06	(318.04)	38,882.25			
Parks & Rec Counter Credit Card	9,313.89	8,778.14	(231.06)	17,860.97			
Tax Payment Account: #2	92,351.14	-	-	92,351.14			
Parks & Rec Online Credit Card	5,524.60	8,052.00	(596.29)	12,980.31			
Health Insurance	42,537.44	277,066.72	(260,035.78)	59,568.38			
Tax Payment Account	53,382.18	-	-	53,382.18			
EMS	41,956.71	67,656.31		109,613.02			
DANA Investment Advisors	6,672,445.32	11,224.89	(1,003,075.69)	5,680,594.52	11,224.89	1.36%	17.35%
BMO Global Asset Management	4,873,932.57	6,869.57	(14,150.57)	4,866,651.57	4,446.07	1.63%	14.86%
American Deposit Management (ADM)	3,727,325.11	3,092.26	-	3,730,417.37	3,092.26	1.01%	11.39%
*ADM General Account Balance	2,325.28	-		2,325.28	-	0.00%	
Local Government Investment Pool (LGIP)	13,308,437.63	1,858,162.67	(8,160,677.98)	7,005,922.32	8,162.67	1.03%	21.39%
*LGIP General Account Balance	7,678,041.00	1,853,867.79	(6,310,677.98)	3,221,230.81	3,867.79		
**Ehlers Investment	4,501,253.63	1,854,348.15	(164.41)	6,355,437.37	15.92	1.0855%	19.41%
Net of Fees	4,501,253.63	1,854,348.15	(907.75)	6,354,694.03			
Total Balance	37,971,872.07	13,560,730.58	(18,781,990.81)	32,750,611.84	31,125.88		
**Ehlers balance is first shown gross of fees to balance to their monthly report; below that is shown net of fees for comparison purposes. Also, due to multiple CD's in the account, interest/dividends may not be earned monthly;							
*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific purposes and not available for general purpose spending;							
Excludes Police Forfeiture Account;							
Tri City Interest is analyzed credited from previous month earnings;							
Additions and subtractions on investment accounts may include market adjustments for realized and unrealized gains(losses) or change in accrued income, as well as interest, management fees, deposits, transfers, returned payments or withdrawals							
Tax Collection Deposits							
Tax Payment Account #2							
City Deposit (Counter, Drop Box, Mail)							
Gov Tech							
Credit Card							
Total Tax Payment Account #2							
Tax Payment Account							
Tri City Payments (At Bank, Lockbox)							
Total Tax Collection Deposits							
Please note the City uses two bank accounts for tax collection; one for payments processed by the City (account #2) and the other for payments processed by our bank							
Prepared for Common Council; cc Finance Committee							
Barbara Guckenberger, CMTW							
City Treasurer							

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 14

Recommendation: The Common Council consider Ordinance No. 2873, confirming adoption of the Settlement Agreement between the City of Oak Creek and the Labor Association of Wisconsin, Inc. and Fixing the Salary for Members of the Association from September 1, 2017 through September 1, 2018.

Background: A meeting between the Personnel Committee and Labor Association of Wisconsin, Inc. has led to agreement by the Association of new terms for a labor agreement for September 1, 2017 through September 1, 2018. Attached are provisions of the agreement which have been negotiated and recommended for Council consideration. Of note, wages have been adjusted by 1.5% effective September 1, 2017.

Fiscal Impact: The wage increase of 1.5% has a total fiscal impact of \$39,451 for the 46 employees covered by the Agreement.

Submitted by:



Andrew J. Vickers, MPA
City Administrator

Prepared by:



Becky Schermer, ABD
Human Resources Manager

Financial Review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE No. 2873

BY: _____

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 2836 FIXING THE SALARY RANGES, SALARY, WAGES AND ALLOWANCES FOR NON-UNION, GENERAL, MANAGEMENT PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR THE YEAR 2017

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

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

Position Title	Minimum Salary	Minimum Hourly Rate	Maximum Salary	Maximum Hourly Rate
Account Clerk III	\$38,261	\$18.395	\$55,185	\$26.531
Administrative Support Assistant, Existing	\$36,446	\$17.522	\$49,660	\$23.875
Administrative Support Assistant, New (hired after 1/1/2014)	\$25,993	\$12.497	\$36,238	\$17.422
Chief Mechanic	\$47,380	\$22.779	\$67,283	\$32.348
Custodian	\$22,519	\$10.826	\$31,096	\$14.950
Engineering Technician	\$43,737	\$21.028	\$60,105	\$28.897
Facility Maintenance Technician	\$36,447	\$17.522	\$60,144	\$28.915
Mechanic II, Fabricator/Welder	\$43,737	\$21.028	\$63,969	\$30.755
Police/Fire Secretary	\$36,447	\$17.522	\$52,561	\$25.270
Senior Engineering Technician	\$51,029	\$24.533	\$70,254	\$33.776

Skill-Based Pay Positions Position Title	Hourly Rate of Pay	Annual Salary
Equipment Operator II	\$28.916	\$60,146
Equipment Operator I	\$23.932	\$49,778
Laborer/Driver	\$17.698	\$36,811

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

SECTION 9: This ordinance shall take effect and be in force upon its passage and publication and shall apply as of September 1, 2017, except where otherwise noted.

Introduced this ____ day of _____, 2017.

Passed and adopted this ____ day of _____, 2017.

President, Common Council

Approved this ____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

AGREEMENT
BETWEEN
THE CITY OF OAK CREEK

AND

THE LABOR ASSOCIATION OF WISCONSIN, INC.

SEPTEMBER 1, 2017 – AUGUST 31, 2018

ARTICLE 1 – RECOGNITION

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

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

ARTICLE II – BASE WAGES

Effective September 1, 2017, employees shall receive a base wage increase of 1.50%.

ARTICLE III – DURATION

This Agreement shall become effective September 1, 2017 and shall terminate at the close of business on the 31st day of August, 2018.

CITY OF OAK CREEK

THE LABOR ASSOCIATION
OF WISCONSIN, INC.

Chairman, Personnel Committee

By: _____

Personnel Committee Member

By: _____

Personnel Committee Member

City Administrator

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 15

RECOMMENDATION: That the Common Council approve Ordinance No. 2879, An Ordinance Fixing the Salary and Certain Allowances for Elected City Clerk and City Treasurer Offices for the Three-Year Term May 1, 2018-April 30, 2021.

BACKGROUND: Each election cycle prior to December 1, the Common Council is required to establish a salary for the Clerk and Treasurer positions for the following 3-year elected term. The City Council has not adjusted the salary for either position since 2012. The City Council traditionally does not visit/change the compensation for elected officials regularly, and the Clerk and Treasurer have been lumped into this pattern despite having duties more reflective of full-time employees.

OPTIONS/ALTERNATIVES: Staff has input the following salary schedule into the attached Ordinance for both the Clerk & Treasurer positions:

Year	Salary	% increase
2017	\$ 71,400	
2018	\$ 73,400	2.80%
2019	\$ 74,501	1.50%
2020	\$ 75,619	1.50%

Note: The proposed 2018 salary was included in the 2018 Draft Budget.

Several alternative options exist for adjusting the Clerk & Treasurer salary including the below list.

- 1) Adopt the salary schedule as recommended by the City Administrator;
- 2) Keep the salary as it is @ \$71,400 annually for each of the three years
- 3) Keep the recommended *and budgeted* 2018 salary in place for each of the years of the elected term (i.e. only one increase in 2018 lasting the full term);
- 4) Generally, set any salary of the Council's choosing.

FISCAL IMPACT: The total fiscal impact year-over-year including an estimation for payroll taxes and WRS is as follows: \$4,574 (2018); \$2,518 (2019); \$2,556 (2020)

Prepared & Respectfully Submitted by:

Fiscal Review by:



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



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

ORDINANCE No. 2879

BY: _____

AN ORDINANCE FIXING THE SALARY, WAGES AND ALLOWANCES FOR ELECTED CITY CLERK AND CITY TREASURER OFFICES FOR THE THREE-YEAR TERM MAY 1, 2018- APRIL 30, 2020

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

SECTION 1: There is herewith established the uniform rates of pay of those certain offices and positions in the City services under the control of the Common Council of the City of Oak Creek affecting non-union, management and miscellaneous personnel for the term listed above. The proper city officials are authorized and directed to make the required payments to those affected employees of the City pursuant to this ordinance.

SECTION 2: The City Clerk and City Treasurer shall be eligible for all fringe benefits as provided in the City Personnel Manual, and by practice, except as prohibited by State Law and City ordinance. These employees shall contribute fifteen percent (15%) of the cost of the premium for a single and family medical plan, respectively. Employees and their spouses who participate in a health risk assessment (HRA) program, or an annual physical exam and completion of the HRA certification, shall contribute ten percent (10%) of the premium for a single and family plan, respectively.

Elected Position Title	Current Salary	Salary as of 5/1/2018	Salary as of 5/1/2019	Salary as of 5/1/2020
City Clerk	\$71,400	\$73,400	\$74,501	\$75,619
City Treasurer	\$71,400	\$73,400	\$74,501	\$75,619

SECTION 3: AUTO EXPENSE. The following personnel shall be paid a car allowance as set forth opposite their positions, to-wit:

- City Treasurer, \$150.00 monthly
- City Clerk, \$150.00 monthly

In order to qualify for the above mentioned auto mileage and/or allowance, the officials designated must provide proof of insurance by a reasonable insurance company for bodily injury and property damage liability within minimum policy limits of \$50,000/\$100,000/\$25,000. In order to receive reimbursement, a Declaration of Coverages page stating the policy limits shall be provided annually by January 31 to the Human Resources Office.

SECTION 4: VALIDITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions thereof. The Common Council of the City of Oak Creek hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof, irrespective of the fact

that any one or more sections, subsections, sentences, clauses, phrases or portions thereof, may be declared invalid or unconstitutional.

SECTION 5: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force upon its passage and publication and shall apply as of May 1, 2018, except where otherwise noted.

Introduced this 7th day of November, 2017.

Passed and adopted this ____ day of _____, 2011.

President, Common Council

Approved this ____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 16

Recommendation: That the Council adopt Ordinance No. 2874, creating Section 2.79 of the Municipal Code to establish a Board of Absentee Ballot Canvassers.

Background: This ordinance relates to Central Count, Absentee tabulation of all absentee ballots at a location other than the polling place.

Historically the City Clerk was required to deliver all absentee ballots received to polling places on Election Day. The former election equipment was unable to sort individual reporting units, thus requiring ballots to be processed onsite at each polling location. The new DS200 voting machine allows for all reporting units to be placed in memory storage. This allows for a Central Count of absentee ballots on Election Day. City Hall, located at 8040 S. 6th Street will be designated by the Wisconsin Election and Ethics Commission as the City of Oak Creek Central Count location.

The Board of Absentee Ballot Canvassers will consist of the City Clerk and two (2) qualified electors of the City, appointed by the Clerk for a term of two (2) years commencing on January 1 of each odd-numbered year.

Fiscal Impact: The establishment of a Board of Absentee Ballot Canvassers has no fiscal impact.

Prepared by:



Catherine A. Roeske
City Clerk

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

ORDINANCE NO. 2874

BY: _____

AN ORDINANCE TO CREATE SECTION 2.79 OF THE MUNICIPAL CODE
TO ESTABLISH A BOARD OF ABSENTEE CANVASSERS

SECTION 1: Section 2.79 of the Municipal Code is hereby created to read as follows:

SEC. 2.79 BOARD OF ABSENTEE BALLOT CANVASSERS

- (a) **Purpose.** Pursuant to Secs. 7.52 and 7.53(2m), Wis. Stats., there is created a Board of Absentee Ballot Canvassers.
- (b) **Composition.** The Board of Absentee Ballot Canvassers shall be composed of the City Clerk, or a qualified elector of the City designated by the City Clerk, and two (2) other qualified electors of the city appointed by the City Clerk for a term of two (2) years commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.
- (c) **Canvassing of Absentee Ballots.** In lieu of canvassing absentee ballots at polling places under Sec. 6.88, Wis. Stats., the Board of Absentee Ballot Canvassers shall, at each election held in the City, canvass all absentee ballots received by the City Clerk by 8:00 p.m. on election day.
- (d) **Counting of Absentee Ballots.** At every election held in the City, the Board of Absentee Ballot Canvassers shall, any time after the opening of the polls and before 10:00 p.m. on Election Day, publicly convene to count the absentee ballots for the City. The City Clerk shall give at least 48 hours' notice of any meeting under this subsection.

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 this _____ day of November, 2017.

Passed and adopted this _____ day of November 7, 2017.

President, Common Council

Approved this _____ day of November, 2017.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No. 17

Recommendation: That the Common Council approves the appointment of election officials as listed on the attached pages, for the two-year period of January 1, 2018 through December 31, 2019.

Background: Election Inspectors are appointed at the end of odd-numbered years for a two-year period, in accordance with Wisconsin State Statutes. Please see the attached pages for the names and addresses of the election official nominees. As we have had the names of nominees submitted by only one major party, the majority of the nominees will be designated as "unaffiliated".

Since 2018 is a major election year, recruitment for new Election Inspectors will continue and as new Election Inspectors are recruited, or if further political party nominations become available, additional appointments will be recommended for approval by the Council in the future.

Fiscal Impact: Funds have been included in the General Government budget, part-time salaries account, to cover the wages paid to the appropriate number of election officials for all regular elections.

Prepared by:



Catherine A. Roeske
City Clerk

Respectfully submitted by:



Andrew Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director/Comptroller

Election Official Appointments
1/1/2016 – 12/31/2017

First Name	Last Name	Street Address
Carol J	Anderson	435 E. Fitzsimmons Road
Carol	Baltutis	7585 S. Manitowoc Ave
Charles	Baltutis	7585 S. Manitowoc Ave.
Jane	Bastian	8600 S. Cathlynn Court
Doris	Behr	7519 S. Clement Ave.
KC	Bobolz	10600 S. Richard Rd.
Kim	Bogadi	3705 E. Garden Pl.
Dennis	Brickler	8250 S. Woodridge Dr.
Jill	Brooks	1401 E. Maas Drive
Patricia	Dahlke	1115 W. Wayland Drive
Kenneth	Eggleston	2526 W. Lindenwood Ave.
Virginia	Ertman	9734 S. Shepard Hills Circle
Carol	Grundy	9160 S. Nicholson Rd.
Richard	Hahn	6875 S. Highfield Dr.
Eileen	Hamilton	340 E. Fitzsimmons Rd.
Neil	Hamilton	340 E. Fitzsimmons Rd.
Hailey	Harwood	9766 South Shepard Hills Dr.
Carrie	Haselow	335 Southtowne Drive Apt. G108
Frank	Haybeck	8141 S. White Oak Dr.
Connie	Hutto	6846 South Ash Street
Mary	Hunt	2537 W. Hilltop Ln.
Kate	Humphries	1001 W. Finch Lane
Constance	Janik	1825 W. Meyer Ln.
Maureen	Johannes	9015 South 20th Street
Mardell	Kaluzny	8850 S. Chesapeake Ct.
Brandon	Kawczynski	7261 S. Clement Ave
Pamela	Kawczynski	7261 S. Clement Ave
Elaine	Kelly	6441 S. Crabapple Court #4
Josephine	Knitter	233 Summerhill Place
Thomas	Knitter	233 Summerhill Pl.
Mary	Kramer	3451 E Bonnie Dr
Mary	Krey	429 E. Centennial Dr.
Carol A	LaBodda	1124 E. Marquette Ave
Suzon	Lemanski	9225 South Orchard Park Circle 1A
Judith	Levar	1321 E. Elm Rd.
Thomas	Lewis	455 E Oak Lane
Dawn	Leys	3875 E. Elm Rd.
Joyce	Loppnow	7580 S. Lenox Ave
Petra	Lukic	155 W. Oak Leaf Drive #24
Donna	Mattson	3364 E. Oak Creek Dr.

Mary	McNulty	7544 Lynhaven Dr.
Betty	Nevels	9530 S. Wintergreen Ct.
Norma	Nonneman	8650 S. Stonefield Dr.
Dale	Olson	615 E Marshall Ave
Lynn	Pawelski	850 W. Creekway Court
Cherryl	Pergande	1750 W. Timber Ridge Ln. #8104
John	Peske	430 E. Robert Road
Suzanne	Peske	430 E. Robert Road
Lynn	Polinski	8280 S. Willow Ct.
George	Price	8865 S. Patricia Blvd.
Nancy	Putnum	8362 S. Newbury Drive. #1002
Wesley	Putnum	8362 S. Newbury Drive. #1002
Peggy S	Renner-Howell	55 E. Fieldstone Circle #4
Ronald	Rickey	8506 S. Melrose Drive
Delores	Riemer	300 East Estates Place
Marilyn	Rome	545 E. Estates Pl.
Ellen	Rozdzialowski	555 E. Golden Lane
Constance	Runge	8125 S. Wildwood Dr.
Kermit	Schmeiser	505 E. Laverne
Dorothy	Schaubel	321 E. Evandale Drive
Molly	Schuerman	9025 S. Nicholson Rd
Susan	Schrank	8870 S. Chesapeake Court
Barb	Siegert	1353 W. Armann Way
Joy	Simpson	210 W. Oak Leaf Drive #6
Ocelia	Simpson	210 W. Oak Leaf Drive #6
Barb	Sommers	9200 S. Nicholson Road
Gail	Stefanik	2225 E. Chestnut Dr.
Carol A	Steffens	10724 S. Christina Court
Cornell	Stroik	2439 W. Sycamore Ave.
Susan	Szozda	1200 E David Lane
Mary	Tetzlaff	1002 E. Drexel Ave.
Mark	Timmers	331 E Wynbrook Drive
Jill	Unglaub	7576 S. Pine Ave.
Janice	Walder	495 E. Parkway Estates Dr.
Judy	Wehrli	839 W. Grange Ave
Janice	Wilinski	7240 S. Howell Ave.
Gregory	Wolf	8800 S Country Drive, Aprt 102
Dean	Zinda	7622 S. Pine Ave.

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 18

Background: Mayor Bukiewicz is requesting discussion and direction to the Clerk's Office regarding the scheduling of 2018 Common Council meeting dates.

Per Oak Creek Municipal Code Sec. 2.28(b), regular meetings of the Common Council shall be held on the first and third Tuesdays of each calendar month, at the hour of 7:00 p.m., or as otherwise scheduled by the Council.

The first Tuesday in July falls on July 3. Mayor Bukiewicz is asking the Council to discuss and consider vacating the first meeting in July.

Additionally, as it stands, the Council will meet on December 19. The following week is a three-day work week (due to the Christmas holiday) and City staff does not return until January 3, which is the proposed first meeting in 2018. Mayor Bukiewicz is asking the Council to discuss and consider vacating the first meeting in January, 2018.

Attached is a tentative 2018 schedule. The above dates recommended for vacation are in blue for reference. A final calendar will be presented to the Council on November 21 for formal adoption.

Fiscal Impact: There is no fiscal impact.

Prepared by:



Christa J. Miller, CMC/WCMC
Deputy City Clerk

Respectfully submitted by:



Andrew J. Vickers, MPA
City Administrator

Fiscal Reviewed by:



Bridget M. Souffrant
Finance Director / Comptroller

2
0
1
8

January						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Common Council Dates – Circled

Tentative Budget Hearing Dates – ORANGE

Election Dates – YELLOW

National Night Out - GREEN

Holiday - PINK

RESOLUTION NO. 11873-110717

BY: _____

RESOLUTION DESIGNATING OFFICIAL HOLIDAYS FOR 2018

RESOLVED that the following days are hereby declared to be the official holidays for all employees of the City of Oak Creek during the year of 2018, exclusive of the Police and Fire Departments, to wit:

1. New Year's Day (Tuesday, January 2, 2018)
2. Friday before Easter (Friday, March 30, 2018)
3. Memorial Day (Monday, May 28, 2018)
4. Independence Day (Wednesday, July 4, 2018)
5. Labor Day (Monday, September 3, 2018)
6. Thanksgiving Day (Thursday, November 22, 2018)
7. The day after Thanksgiving (Friday, November 23, 2018)
8. Christmas Eve Day (Monday, December 24, 2018)
9. Christmas Day (Tuesday, December 25, 2018)
10. New Year's Eve Day (Monday, December 31, 2018)

Additional note: New Year's Day 2019 (January 1, 2019) will be designated as the first holiday date for the year 2019 official holidays.

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

Passed and adopted this _____ day of _____, 2017.

President, Common Council

Approved this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 20

Recommendation: That the Common Council approves payment of the obligations as listed on the November 1, 2017 Invoice GL Distribution Report.

Background: Of note are the following payments:


1. \$8,410.00 to All-ways Contractors (pg #1) for final payment on Abendschein Park improvements.
2. \$8,945.00 to Ariel & Sergio Poventud (pg #1) for vehicle accident claim.
3. \$66,410.90 to Benistar (pg #2) for November Medicare supplement insurance.
4. \$10,047.50 to Buelow Vetter (pgs #2-3) for legal services.
5. \$1,035,485.78 to Edgerton Contractors, Inc. (pg #5) for Lake Vista Community Park and playground.
6. \$11,949.20 to Kansas City Life Insurance Co (pg #9) for November disability insurance.
7. \$10,388.10 to Lakeside International Truck (pgs #10-11) for maintenance on street vehicles.
8. \$8,072.03 to Oak Creek Water & Sewer Utility (pg #13) for Diggers Hotline and services on the following projects: 15023, 20th St Elementary School, and Drexel Ave & Ridge.
9. \$5,604.38 to Ozinga Ready Mix Concrete, Inc. (pg #13) for concrete for various street projects.
10. \$10,835.19 to R.A. Smith (pg #14) for inspection services relating to Ikea Way, phase 3.
11. \$345,503.00 to Rasch Construction & Engineering (pg #14) for Lake Vista structure construction and engineering services.
12. \$5,000.00 Reserve Account (pg #1) for postage refill.
13. \$7,303.83 to Short Elliott Hendrickson, Inc (pg #16) for bridge maintenance.
14. \$13,210.00 to Tyler Technologies, Inc. (pg #17) for assessor services.
15. \$59,876.92 to WE Energies (pgs #18-19) for street lighting, electricity & natural gas.
16. \$23,612.65 to Wheaton Franciscan Medical Group (pg #19) for June & September's nurse practitioner services/supplies.

Fiscal Impact: Total claims paid of \$1,744,039.52

Prepared by/Fiscal Review by:


Bridget M. Souffrant, CMJW
Finance Director/Comptroller

Respectfully submitted,


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

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

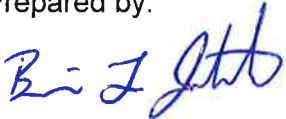
Item No.: 21

Recommendation: That the Common Council adopts Resolution No. 11863-110717, approving the FedEx development agreement for the design and installation of public improvements at 500 W Opus Drive (Tax Key No.924-9012-000) (Project Nos. 17061 and 17062) (5th Aldermanic District).

Background: This development agreement is for the installation of public infrastructure to serve the FedEx freight terminal. Setzer Properties MKE, LLC, 354 Waller Avenue, Suite 200, Lexington, KY 40504, will be the Developer for this project. The Plan Commission approved a site plan for the Parcel at the September 26, 2017 meeting. The developer has worked with the Utility and Engineering Departments for the required improvements. This agreement will provide the City with the authority to direct and control the design and construction of the required public improvements to ensure they meet City codes and specifications.

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

Prepared by:



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

Respectfully submitted:



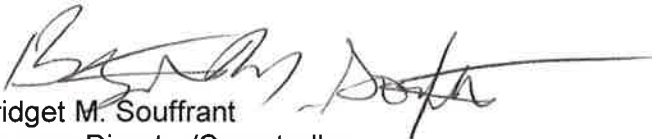
Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11863-110717

BY: _____

**RESOLUTION APPROVING THE
FEDEX
DEVELOPMENT AGREEMENT**

TAX KEY NO. 924-9012-000

(5TH ALDERMANIC DISTRICT)

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

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of November, 2017.

President, Common Council

Approved this _____ day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____

Document Number

FedEx
Development Agreement
Document Title

Recording Area

Douglas W. Seymour, Director
Dept. of Community Development
8040 S 6th Street
Oak Creek, WI 53154
Name and Return Address

924-9012-000

Parcel Identification Number (PIN)

THIS AGREEMENT, made and entered into this _____ day of _____, 2017, by and between Setzer Properties MKE, LLC, 354 Waller Avenue, Suite 200, Lexington, KY 40504, hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City";

WITNESSETH:

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

Lot 1 of Certified Survey Map No. 8597, recorded in offices of the Milwaukee County Register of Deeds on March 24, 2014, as Document No. 10345266, being all of Lot 1 Certified Survey Map No. 8287, being a part of the Southeast ¼, Southwest ¼, Northwest ¼, and Northeast ¼ of the Southeast ¼ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, as corrected by Affidavit of Correction recorded on May 8, 2014, as Document No. 10357557.

WHEREAS, the Developer has submitted a preliminary site plan, Tax Key No. 924-9012-000 encompassing the hereinabove described lands in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal

Code of the City for the purpose of creating a freight distribution terminal, and

WHEREAS, the proposed preliminary site plan was conditionally approved by the Plan Commission of the City as required by law, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to approval by the City, and

WHEREAS, S.236.13(2)(a), Wis. Stats., and Chapter 14 of the Municipal Code of the City, provide that as a condition of approval, the Common Council of the City of Oak Creek may require that the Developer make and install any public improvements reasonably necessary, and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for this development, and

WHEREAS, the City believes that the orderly, planned development of the said lands will best promote the health, safety and general welfare of the community, and hence is willing to approve the proposed development providing that the Developer agrees to undertake and assume certain obligations and conditions and/or performed as hereinafter described, and

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. The proposed site is served and will benefit by the existing sanitary sewer and water main as installed within W. Opus Drive, W. Oakwood Road, and easements on the property.
2. Special Assessments and Waiver - There are no outstanding special assessment payments required for this agreement. The Developer shall sign the Waiver of Special Assessment Notice and Hearing attached as Exhibit B.
3. Bike Path and Impact Fees – The impact fees established for the City under Ordinance 2562 shall also apply to this development. The Developer agrees to pay the appropriate impact fees, created by this development, at the time a building permit is issued.
4. Time Period to Install Improvements - The Developer, entirely at his expense, shall complete the public improvements as described in Exhibit A.
 - A. The Developer shall, without charge to the City and upon certification by the City Engineer, unconditionally grant and fully dedicate all public improvements to the City. Dedication of public improvements shall occur at building occupancy and/or the termination of this agreement.

- B. In the event the Developer does not complete the installation of improvements, the City shall, upon written notice to the Developer, have the authority to complete same and take title of the improvements. The City shall, without notice of hearing, impose a special assessment for the amount of said completion costs, upon each and every building site (or tax key parcel) in the development, payable with the next succeeding tax roll.
 - C. In accordance with Section 3.06 of the Oak Creek Municipal Code and under Sections 66.60 and 66.62 of the Wisconsin Statutes and other statutory provisions, the City may exercise its power to levy special assessments for the required improvements that shall benefit the development.
5. Items Prior to Construction - Prior to the commencement of construction of required improvements, the City Engineer shall ensure that the following requirements are met:
- A. Approval of plans required in Exhibit A.
 - B. Developer has issued a notice to proceed to his contractor(s).
 - C. Developer and City have arranged a preconstruction conference.
 - D. All pertinent approvals have been attained from the Milwaukee Metropolitan Sewerage District, the State of Wisconsin Department of Natural Resources, and the State of Wisconsin Department of Transportation or other required jurisdictional agencies. The review and approval of sanitary sewer plans by the City (and its Utility) and MMSD occur independently. Approvals are based in part on each system's ability to handle the proposed additional sanitary sewer waste flows.
 - E. Arrangements made for the City to inspect the proposed construction.
6. Occupancy Approval – Only upon final certification by the City Engineer that all of the required public improvements and requirements as outlined in this agreement are constructed, inspected and found to be in compliance with City requirements and, 1.) proof of the public infrastructure costs associated with streets, sewers, water main, lights, trees, etc., have been filed with the City Finance Director; and 2.) lien waivers shall be filed with the City Engineer as proof that all subcontractors have been paid; shall occupancy approval be presented to the Plan Commission and Common Council.
7. Reimbursement of Costs - The Developer shall reimburse the City for all outstanding fees, expenses, costs, and disbursements which were incurred by the City for the design, review, construction, inspection, dedication, administration, enforcement, or acceptance of the development's improvements covered by this

agreement. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials.

8. Workmanship Guarantee - Developer shall guarantee the public improvements described in Exhibit A, against defects due to faulty materials or workmanship, for a period of one year from the date of dedication; i.e. at occupancy approval or at close out of the agreement. Pursuant to Paragraph 10(B), the Developer shall establish a security deposit, in an amount not less than 10% of construction costs of the sanitary sewer and water main, to cover the guarantee period for each of these public improvements (part of the "collateral"). The maintenance obligations regarding the streets and street lighting shall begin upon site erosion control installation. The street and street lighting maintenance would be for damage as a result of the Contractor. Responsibility for the streets and street lighting will be assigned as follows:

- A. Pavement maintenance, including any repairs and street sweeping, shall be the Developer's responsibility. Snow plowing will be the City's responsibility.
- B. If street repairs and/or street sweeping are not satisfactorily performed by the Developer; the City shall perform such with its own forces and charge the Developer accordingly for actual manpower, equipment and materials, plus 25% administration and overhead. Developer's responsibility with respect to the streets and street lighting shall terminate upon dedication of the streets to the City.

9. Hold Harmless - The Developer shall indemnify and save harmless the City, its officers, agents and employees, from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees, and the like to whomsoever is owed, which may in any manner result from the negligent construction or maintenance of improvements by the Developer pursuant to the terms of this agreement, the violation of any law or ordinance, the infringement of any patent, trademark, tradename or copyright, and the use of road improvements prior to their formal dedication to the City as provided in Paragraph 4 thereof.

10. Financial Guarantees

- A. Letters of Credit/Bonds – No letters of credit or bonds are required for this development.
- B. Security Deposit

Prior to and as a condition of occupancy, the Developer shall deposit the Collateral to secure the prompt, full and faithful performance by Developer

of each and every provision of this agreement and all obligations of the Developer hereunder. The City is not required to hold the Collateral in any special or trust account, but may commingle the Collateral with other funds of the City. Interest shall be paid to the Developer on the Collateral. If the Developer fails to perform any of its obligations hereunder, the City may use, apply or retain the whole or any part of the Collateral together with interest therein, if any, for payment of: (a) Sums of money due from the Developer under this agreement; (b) Any sum expended by the City on the Developer's behalf in accordance with this agreement; and/or (c) Any sum which the City may expend or be required to expend by reason of the Developer's default under this agreement.

The use, application or retention of the Collateral, or any portion thereof, by the City shall not prevent the City from exercising any other right or remedy provided by this agreement or by law (it being intended that the City shall not first be required to proceed against the Collateral) and shall not operate as a limitation on any recovery to which the City may otherwise be entitled. If any portion of the Collateral is used, applied or retained by the City, prior to the termination of this agreement, for the purposes set forth above, Developer agrees, within ten days after the written demand therefore is made by the City, to deposit cash with the City in an amount sufficient to restore the Collateral to its original amount.

Without limitation as to the obligations secured, the Collateral shall also secure the following specific obligations of the Developer to the City.

- 1) Completion of final asphalt surface course – asphalt base repair, curb repair, manhole adjustment and final catch basin setting.
- 2) Completion of landscaping: including establishment of vegetative cover.
- 3) Payment of reasonable in-house administrative and inspection fees.
- 4) Maintenance fund for public improvements as described in paragraph 8.

The City will release to the Developer all funds from the Collateral, including interest, upon the earliest of the termination of this agreement or when the Developer fully and faithfully complies with all of the provisions of this agreement and completes the above-listed items, all to the satisfaction of the City Engineer, less amounts, if any previously applied by the City for the obligations secured hereby.

C. Billing

The City shall bill the Developer quarterly for costs incurred and backed up by the City. In the event the Developer fails to make payment to the City within 30 days of billing, interest shall accrue on the unpaid balance at the rate of 15% per annum. If unsuccessful, the City, upon written notice to the Developer, shall, without notice of hearing, impose a special assessment for the amount of said costs upon each tax key parcel in the development, payable with the next succeeding tax roll.

11. Inspection - The City, or its agents, shall provide full-time inspection of all improvements enumerated in Exhibit A, at the Developer's cost.
13. Easements - The Developer shall acquire and dedicate to the City all public easements necessary to install and maintain public improvements required by this agreement. Permanent easements and deeds, on forms acceptable to the City, on or through private lands, shall be negotiated and obtained by the Developer, at his expense.
14. Changes to Plans and Specifications - The City Engineer may make reasonable changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors, to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall be informed of any changes to the plans or specifications directed by the City Engineer in writing. The Developer shall perform the work as changed entirely at his expense without any claim for reimbursement.
15. Miscellaneous
 - A. All construction required by this agreement shall be carried out and performed in a sequence agreed upon by the City Engineer.
 - B. Developer shall properly locate and install all survey or other monuments required by State statute or City ordinance.
 - C. Recording of this agreement shall be accepted by the City as adequate provision for improvements specified in Chapter 14 of the Municipal Code.
 - D. This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
 - E. This agreement shall be recorded by the City with the Register of Deeds of Milwaukee County.

- F. Some or all obligations of the Developer shall terminate upon occupancy and passage of a resolution by the Common Council of the City of Oak Creek releasing the Developer from the terms of this agreement.
- G. Developer shall provide specifications in the most current version of Adobe pdf file.
- H. Developer shall provide all stamped and signed construction plans in most current version of Adobe pdf files.

IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.

In presence of:


Setzer Properties MKE, LLC


Joshua J. Markham

Kentucky
STATE OF WISCONSIN)
Fayette (SS.
MILWAUKEE COUNTY)

Personally came before me this 2nd day of November, 2017, the above-named, Joshua J. Markham of Setzer Properties MKE, LLC, to me known to be the person who executed the foregoing instrument and to me known to be such General Counsel of said corporation, acknowledged that he executed the foregoing instrument as such officer.




Notary Public *Notary ID #564073*
Fayette County, Kentucky
My commission expires
9-25-2020

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 _____, 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 _____, 2017.

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

This instrument was drafted by Brian L. Johnston of the City of Oak Creek Engineering Department.

Approved as to form:

Melissa L. Karls, City Attorney

EXHIBIT A
CITY OF OAK CREEK
CITY ENGINEER'S REPORT
FEDEX

I. INTRODUCTION

The detailed standards for the design and construction of all improvements required in this exhibit shall conform to the City of Oak Creek Engineering Design Manual, adopted by the Common Council on March 16, 2004, and all future amendments thereof.

The Developer is responsible for required improvements, plans, and conditions:

II. DEVELOPMENT GRADING AND DRAINAGE

A. Required Improvements

Design, install, and provide grading of land as necessary to establish building pads for future buildings, provide adequate drainage to prevent flooding, accept upstream runoff, and safely discharge runoff downstream to avoid property damage.

B. Plans and Specifications

1. A grading and drainage plan shall be prepared showing 1' contours for both existing and proposed condition, and proposed finished yard grades.
2. System plan showing all tributary areas to the proposed subdivision drainage and downstream analysis. Included on the system plan shall be all proposed and existing drainage structures.
3. Storm water management plan that meets current City ponding ordinance requirements along with the MMSD Chapter 13 storm water requirements.
4. As-built grading plan certifying that all grading was performed in accordance with the approved grading and drainage plan. The certification shall be required on lot corners and side yard breaks, main ditches, and detention ponds. The plan shall be prepared by a

consulting engineer, selected by and reimbursed by the Developer. The grade tolerances for approval are as follows:

- a. $\pm 0.1'$ grade tolerance of the approved proposed grade with topsoil or sod in place.
 - b. $0.0'$ to $-0.3'$ grade tolerance of the approved proposed grade without topsoil in place.
- C. Prior to the installation of any public improvements, the Developer shall perform rough grading, including planned parking areas, building pads, and drainage swales.
 - D. Establish permanent vegetative cover on all exposed soil by topsoiling, seeding, and mulching to prevent erosion.
 - E. The Developer, at his expense, shall provide detailed soil analysis and compaction results by a competent soils engineer for all areas requiring fill. The results shall be submitted to the City Engineer as soon as they are available.
 - F. The Developer is responsible for restoring all damage to finish grades and vegetative cover caused, but not restored by, utility companies until acceptance of occupancy.
 - G. If soil borings determine that the existing soil material on site is unsuitable for structural areas such as road or building construction, the Developer shall remove the material and replace with approved engineered fill.
 - H. After site grading is completed, the Developer shall place 3" of topsoil on all exposed soil and seed, fertilize and mulch.

III. STORM DRAINAGE SYSTEM

A. Required Improvements

Design, install, and provide a complete storm drainage system, including culverts, curb and gutter, storm sewer and/or open ditches as required to adequately convey surface water from and through the development.

B. Plans and Specifications

- 1. Storm sewer plans showing plan and profile views.
- 2. Storm sewer calculations.

3. Storm sewer system plan update.
- C. Additional considerations will be required on all ditch slopes exceeding five percent. All areas within drainage easements shall have a minimum one percent slope. Ditch slopes less than one percent will require storm sewer.
- D. Mainline storm sewer must be installed to provide a sump pump and downspout connection to all buildings. All sump pump lines and downspouts shall discharge into a storm sewer or to other outlets approved by the City Engineer.

IV. EROSION AND RUN-OFF CONTROL

A. Required Improvements

Installation and construction of Best Management Practices in the proposed development that shall conform with the most current edition of the Department of Natural Resources Technical Standards.

B. Plans and Specifications

Control plan for land-disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show locations and dimensions of all construction site management measures to control erosion and sedimentation.

- C. The Developer shall not commence land-disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be obtained, which requires the Developer to construct and maintain such measures in conformance with the City's erosion control ordinance.
- D. Both during and after construction, the surface of exposed bare soils shall be protected by mulches and perennial grasses. If winter shutdown prevents the establishment or maintenance of a cover crop, anionic polyacrylamide (PAM) may be permitted by the City Engineer. Anionic PAM shall not be permitted to be used in the terrace area of the public road right-of-way. If approved, the use of the anionic PAM shall be performed under inspection and meet the Wisconsin Department of Natural Resources Technical Standards. This does not apply to the immediate building site area that is subject to men and equipment working in and around the perimeter of a new structure.

V. SANITARY SEWER

A. Required Improvements

Design, install, and provide a complete sanitary sewer system designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's sanitary sewer system plan with rules, regulations and procedures of the City, Milwaukee Metropolitan Sewerage District, and the State of Wisconsin Department of Natural Resources.

B. Plans and Specifications

1. Sanitary sewer plans, specifications, design calculations, and copies of all easements.
2. The City will furnish "as-built" plans of the entire system, including location and elevation of laterals to mains to meet MMSD requirements. All other "as-built" requirements are the responsibility of the Developer.
3. Sanitary sewer system plan update.
4. All reports required by the Milwaukee Metropolitan Sewerage District, the State of Wisconsin, and Southeastern Wisconsin Regional Planning Commission.
5. Separate sanitary sewer easements, where appropriate, shown on the final plat.

C. Installation of one sanitary sewer lateral from the sanitary sewer main to each proposed building.

VI. WATER

A. Required Improvements

Design, install, and provide a complete water distribution system and install water main designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's water main system plan and with the rules, regulations, and procedures of the City and the State of Wisconsin Department of Natural Resources.

B. Plans and Specifications

1. Water main plans, specifications, design calculations, and copies of all easements.

2. The City will create "as-built" plans of the entire system, including hydrant and valve locations, and the location and elevation of laterals to the lot lines, all for the use of the City of Oak Creek Water and Sewer Utility. All other "as-built" requirements are the responsibility of the Developer.
 3. Separate water main easements for each parcel, where appropriate, recorded on the final plat.
- C. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for water distribution, itemized in sufficient detail to satisfy the requirements of the Public Service Commission of the State of Wisconsin in establishing or revising a rate base.
 - D. Installation of one water lateral from the water main, to each proposed building.

VII. STREETS

A. Required Improvements

The completion of W. Opus Drive existing roadway as described below. This includes damaged curb replacement, manhole and valve adjustments, catch basin adjustment to finish grade, base patching and the surface course and concrete pavement.

B. Plans and Specifications

An engineered pavement design report to be submitted to the City Engineer for approval.

The existing roadway was constructed in stages under the Oakwood Crossings Development Agreements pursuant to the specifications and approvals of the City. The Developer and the City have reviewed the as-built drawings and pavement boring logs for the existing roadway. The Developer shall be obligated to install the pavement section as determined from the subsurface exploration and pavement assessment report dated October 16, 2017 completed by PSI. The pavement section from W. Oakwood Road to the end of return of the west main FedEx driveway curb line shall be 9" of concrete on 6" of compacted stone base. The City Engineer to approve the concrete mix design.

The concrete pavement to follow the Standard Specifications for Highway and Structure Construction, the latest addition, Section 415. The concrete pavement joints are to be sealed prior to opening to traffic.

The remaining W. Opus Drive section from the FedEx driveway through the cul-de-sac is to be completed by finishing the required asphalt section with the final surface course. The FedEx driveway off the cul-de-sac is to be completed with the final surface course. The asphalt mix is to follow the Standard Specifications for Highway and Structure Construction, the latest addition, Sections 450 and 460. The mix shall also include 3% regressed air voids. The City Engineer to approve the asphalt mix design.

Clean up, repairs, and restoration of all pavement, subgrade, shoulder, or curb and gutter defects shall be performed prior to any roadway work.

VIII. TRAFFIC SIGNALS

A. Required Improvements

The design and construction of all of the intersection improvements including traffic signals at the intersection of W. Oakwood Road and S. Opus Drive/S. Oakview Parkway in accordance with the State Specifications and the Contract Drawings. Improvements including but not limited to traffic signal Cabinet & Controller, Monotube Poles, Monotube Arms, curb and gutter, pavement, signage, and pavement markings.

B. Plans and Specifications

All work shall be in accordance to the plans and the State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction, latest Edition.

The Developer is required to obtain the necessary electrical permits from the City of Oak Creek and We Energies.

The Developer is required to obtain any necessary easement or right-of-way for the intersection improvements.

IX. PUBLIC TRAIL EASEMENT AREA

A. The City of Oak Creek Park & Open Space Plan 2013, Map 9, depicts a Class 1 Proposed Bikeway System trail along the west property line of the development site.

B. The Conditional Use Permit Conditions and Restrictions approved by the City in Ordinance No. 2844 (March 7, 2017) required Developer to grant a public access and trail easement, minimum 20 feet in width, for the future trail.

- C. Developer shall not be obligated to construct the public trail.

X. MISCELLANEOUS

DEVELOPER SHALL:

- A. Be responsible to preserve existing trees, brush, or shrubs, not approved for removal. If unauthorized removal occurs, landscaping will be replaced at the Developer's expense.
- B. Repair all damage to City streets caused by construction operations.
- C. Arrange for installation of approved street signs.
- D. Submit a landscape plan for screen plantings, berms, and entrances. Installation of landscaping shall be in accordance with approved plan.
- E. Acquire all required underground utility easements.
- F. Show all sanitary, drainage, and other public utility easements on the certified survey map or final plat. If required easements are omitted, or errors are detected on the plat, the Developer shall make all necessary modifications to the plat at his expense.
- G. Design and install all required sidewalk and/or bikeways.

XI. SPECIFICATIONS

The improvements shall be constructed in accordance with the following specifications.

- A. City of Oak Creek Engineering Design Manual, most recent edition.
- B. Applicable Specifications and Regulations of the Milwaukee Metropolitan Sewerage District.
- C. Standard Specifications for Sewer and Water Construction in Wisconsin, Sixth Edition, December 22, 2003, with latest addendum.
- D. The Wisconsin Department of Natural Resources Erosion Control Technical Standards.
- E. State of Wisconsin, Department of Transportation Standard Specifications for Highway and Structure Construction, 2003 and supplemental specifications.

XII. SPECIAL PROVISIONS

The development process shall strictly conform to the conditions set forth in the development agreement. Request for final plat approval is subject to the City Engineer's certification that all public improvements required to be installed are satisfactorily completed and project construction costs have been reported to the City Accountant. Security deposit will only be allowed for public improvement maintenance fund. Apart from the above, the City will not accept escrows in lieu of completion of the improvement prior to occupancy.

Approved by:

Michael C. Simmons, P.E.
City Engineer

Date

EXHIBIT B

**WAIVER OF SPECIAL ASSESSMENT
NOTICES AND HEARINGS**

City of Oak Creek
8640 South Howell Avenue
Oak Creek, WI 53154

We, the undersigned being owners of the property that shall benefit by the following proposed public improvements:

Sanitary sewer, water main, storm sewer, streets, traffic signals, and drainage facilities

all made in the City of Oak Creek, Milwaukee County, Wisconsin, in consideration of the construction of said improvements by the City of Oak Creek, Wisconsin, hereby admit that such public improvement will benefit our property and consent to the levying of special assessments against our premises under Section 66.62 of the Wisconsin Statutes and Section 3.06 of the Municipal Code of the City of Oak Creek for the cost of such improvement.

In accordance with Section 3.06 (14) of the Municipal Code of the City of Oak Creek, we hereby waive all special assessment notices and hearings required by Section 66.62 of the Wisconsin Statutes and Section 3.06 (9) of the Municipal Code of the City of Oak Creek, and we further agree and admit that the benefit to our properties from the construction of such improvement.

Description of premises that shall benefit:

Lot 1 of Certified Survey Map No. 8597, recorded in offices of the Milwaukee County Register of Deeds on March 24, 2014, as Document No. 10345266, being all of Lot 1 Certified Survey Map No. 8287, being a part of the Southeast ¼, Southwest ¼, Northwest ¼, and Northeast ¼ of the Southeast ¼ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, as corrected by Affidavit of Correction recorded on May 8, 2014, as Document No. 10357557.

Setzer Properties MKE, LLC



Joshua J. Markham, General Counsel

11-2-17

Date

City of Oak Creek Common Council Report

Meeting Date November 7, 2017

Item No.: 22

Recommendation: That the Common Council adopts Resolution No. 11876-110717, a resolution approving a storm water management practices maintenance agreement with Setzer Properties MKE, LLC, 354 Waller Avenue, Suite 200, Lexington, KY 40504, for their FedEx Freight Terminal development located at 500 W. Opus Drive. (Tax Key No. 924-9012) (5th Aldermanic District)

Background: The proposed FedEx freight terminal located at 500 W. Opus Drive 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
Finance Director/Comptroller

RESOLUTION NO. 11876-110717

BY: _____

RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT FOR THE FEDEX FREIGHT TERMINAL LOCATED AT 500 W. OPUS DRIVE

(TAX KEY NO. 924-9012)

(5TH ALDERMANIC DISTRICT)

WHEREAS, Setzer Properties MKE, LLC, (Owner), requires onsite storm water management practices for their proposed FedEx freight terminal development located at 500 W. Opus Drive, 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 7th day of November, 2017.

Passed and adopted this 7th day of November, 2017.

President, Common Council

Approved this 7th day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

11876-110717

Document Number

FEDEX FREIGHT TERMINAL
Storm Water Management Practices Maintenance
Agreement
Document Title

Recording Area

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

924-9012

Parcel Identification Number (PIN)

STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 2017, by and between Setzer Properties MKE, LLC, 354 Waller Avenue, Suite 200, Lexington, KY 40504 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:

Lot 1 of Certified Survey Map No. 8597, recorded in offices of the Milwaukee County Register of Deeds on March 24, 2014, as Document No. 10345266, being all of Lot 1 Certified Survey Map No. 8287, being a part of the Southeast ¼, Southwest ¼, Northwest ¼, and Northeast ¼ of the Southeast ¼ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, as corrected by Affidavit of Correction recorded on May 8, 2014, as Document No. 10357557

hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as FedEx freight terminal, 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.

WITNESS the following signatures and seals:

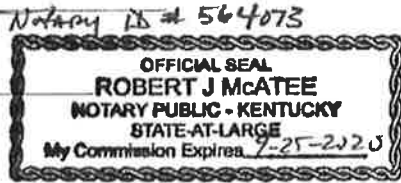
Setzer Properties MKE, LLC

[Signature]
Joshua J. Markham, General Council

The foregoing Agreement was acknowledged before me this 26th day of October, 2017,
by the above named JOSHUA J. MARKHAM.

[Signature]
NOTARY PUBLIC

My Commission Expires: _____



CITY OF OAK CREEK, WISCONSIN

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

The foregoing Agreement was acknowledged before me this ____ day of _____, 2017,
by the above named DANIEL J. BUKIEWICZ and CATHERINE A. ROESKE.

NOTARY PUBLIC

My Commission Expires: _____

This document was prepared by Philip J. Beiermeister, P.E. of the City of Oak Creek Engineering Division.

Approved as to Form:

City Attorney Date



**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.
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: November 7, 2017

Item No.: 23

Recommendation: That the Common Council adopts Resolution No. 11874-110717, a Resolution to Establish Storm Water Management Service Charges for the City of Oak Creek.

Background: The City adopted the storm water management system user charge ordinance in 2003. The 2018 budget reviewed by the Common Council recommended raising the equivalent charge from \$33.00 to \$35.00.

The increase is necessary to cover the cost of increased street sweeping, catch basin cleaning and storm water management facilities inspection and maintenance resulting from new development as well as capital improvement project, equipment replacement and increasing infrastructure maintenance needs.

The replacement of one of the street sweepers is scheduled for 2018. The Storm Water fund also allocates a set amount of money each year to fund replacement equipment that is used primarily for storm water related functions (mowers, street sweepers, backhoes).

Fiscal Impact: An Equivalent Charge of \$35.00 will generate approximately \$885,850.

Prepared by:



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

Respectfully submitted:



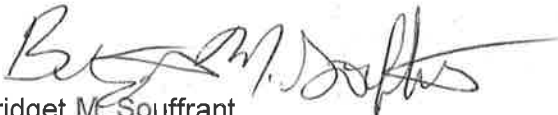
Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11874-110717

BY: _____

**RESOLUTION TO ESTABLISH STORM WATER MANAGEMENT
SERVICE CHARGES
FOR THE CITY OF OAK CREEK**

WHEREAS, Section 3.50 of the Oak Creek Municipal Code established a storm water service charge, and,

WHEREAS, the storm water service charge imposed is based upon customer classifications outlined in Section 3.50(h) of the Oak Creek Municipal Code, and,

WHEREAS, the charges for storm water management services are calculated on an Equivalent Charge (EC) basis, and,

WHEREAS, the Common Council has reviewed the 2018 budget which recommends the Equivalent Charge (EC) be increased to \$35.00,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, that the storm water management service charge be based on a yearly Equivalent Charge (EC) of \$35.00.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of November, 2017.

Passed and adopted this 7th day of November, 2017.

President, Common Council

Approved this 7th day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 24

Recommendation: That the Common Council adopts Resolution No. 11875-110717, a resolution approving the transfer of a 12'-wide strip of land along the property frontage at 7500 S. 13th Street (0.040 acres) to Milwaukee County as additional right-of-way; and granting a temporary limited easement consisting of an adjacent 25'-wide strip (0.079 acres) for the County's fair market value offer of \$500.00. (Tax Key No. 783-9000-003) (1st Aldermanic District).

Background: Milwaukee County (MCDOT) is finishing design of its 13th Street (CTH V) reconstruction project. The road will be reconstructed from Drexel to Rawson in 2018. The project necessitates that MCDOT acquires additional right-of-way and temporary easements from the various adjacent property owners.


MCDOT requires the acquisition of a 12'-wide strip of land along the frontage of 7500 S. 13th Street for right-of-way, and an adjacent 25'-wide strip as a temporary easement. The property is a city-owned parcel that contains a main drainage channel, and is not suitable for development. MCDOT has conducted a real estate appraisal in its development of fair market compensation for the right-of-way and temporary easement. The City Assessor has reviewed the appraisal and finds it to be satisfactory. The recommendation is for the Common Council to accept the compensation in exchange for the land interests.

Owner	Property Address	Tax Key Number	Acquisition Type	Size	Amount
City of Oak Creek	7500 S. 13 th St.	783-9000-003	Fee	0.040 Ac	\$400.00
City of Oak Creek	7500 S. 13 th St.	783-9000-003	TLE	0.079 Ac	\$100.00

The appraisal is on file in the Engineering Department.

Fiscal Impact: The City would be paid \$500.00 for the right-of-way and the temporary limited easement.

Prepared by:


Michael C. Simmons, P.E.
City Engineer

Respectfully submitted:


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

Fiscal review by:


Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11875-110717

BY: _____

RESOLUTION APPROVING THE TRANSFER OF A 12'-WIDE STRIP OF LAND ALONG THE PROPERTY FRONTAGE AT 7500 S. 13TH STREET (0.040 ACRES) TO MILWAUKEE COUNTY AS ADDITIONAL RIGHT-OF-WAY, AND GRANTING A TEMPORARY LIMITED EASEMENT CONSISTING OF AN ADJACENT 25'-WIDE STRIP (0.079 ACRES) FOR THE COUNTY'S FAIR MARKET VALUE OFFER OF \$500.00.

(1ST ALDERMANIC DISTRICT)

WHEREAS, Milwaukee County has a need to acquire right-of-way and a temporary limited easement along the frontage of the City owned parcel at 7500 S. 13th Street to reconstruct S. 13th Street (CTH V); and

WHEREAS, the appraisal report was submitted and appears to be acceptable to Engineering and the City Assessor; and

WHEREAS, the City of Oak Creek agrees to grant the right-of-way and temporary limited easement to MCDOT for the compensation amounts listed below;

Owner	Property Address	Tax Key Number	Acquisition Type	Size	Amount
City of Oak Creek	7500 S. 13 th St.	783-9000-003	Fee	0.040 Ac	\$400.00
City of Oak Creek	7500 S. 13 th St.	783-9000-003	TLE	0.079 Ac	\$100.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the land interests listed in the table above be approved and the same is hereby accepted.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of November, 2017.

Passed and adopted this _____ day of November, 2017.

President, Common Council

Approved this _____ day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____



August 29, 2017

City of Oak Creek
Attn: Mike Simmons
8040 South 6th Street
Oak Creek, WI 53154

CERTIFIED MAIL

**Subject: Project I.D. 2505-06-23
CTH "V" – South 13th Street Reconstruction Project
West Drexel Avenue to West Rawson Avenue
City of Oak Creek, Milwaukee County**

RE: Parcel No. 15

Dear Mr. Simmons:

As noted in the letter of April 28, 2017 that you received from Milwaukee County ("County"), the County will be reconstructing South 13th Street from West Drexel Avenue to West Rawson Avenue during the 2018 construction season. In order to provide the right-of-way necessary for this construction, the County needs to purchase additional land or easements from some of the property owners along South 13th Street. A search of the public records indicates title to the property is held by you.

The brochure entitled, the "Rights of Landowners Under Wisconsin Eminent Domain Law" which was previously given to you will provide information regarding your rights and to serve as a guide during this acquisition process.

In compliance with Wisconsin statutes and federal regulations, you are receiving this letter, along with the enclosed appraisal report, to initiate negotiations for the acquisition of your property and/or property interests needed for the above referenced highway project. In addition, I have enclosed the following documents:

- Conveyance – Warranty Deed
- Legal description of the land and/or interest(s) needed for the project
- Appraisal
- Appraisal Guidelines and Agreement
- Project Plat with names of neighboring landowners affected by the project
- "The Rights of Landowners Under Wisconsin Eminent Domain Law"
- Statement to Construction Engineer
- Request for Taxpayer Identification Number and Certification, Form W-9

August 29, 2017

Page 2 of 2

Single Source, Inc.'s determination of compensation, based on the fair market value of the property, is as follows:

0.040 AC FEE:	\$400.00 RD
0.079 AC Temporary Limited Easement:	<u>\$100.00</u> RD
Total Damages:	\$500.00

We are available to meet with you at your property and at your convenience to discuss the acquisition process and roadway construction. If you have any questions or concerns, please do not hesitate to contact me at 262-789-8300, ext. 103 or on my cell phone at 414-526-7271.

If you agree with the values determined in the appraisal report and wish to enter into an agreement with Milwaukee County, please sign the enclosed Warranty Deed (Deed) **in the presence of a notary**. I have included a postage paid envelope for your convenience in returning these documents. Upon receipt, I will process payment to you.

Also enclosed is a Request for Taxpayer Identification Number and Certification, Form W-9. Please execute this document and return it with the Deed.

If you are not satisfied with the above-stated conclusions of value for your property, you are eligible to obtain an additional appraisal from a qualified appraiser of your choice. If you elect to have an appraisal report prepared, you must take certain steps to qualify for reimbursement. Your eligibility for appraisal cost reimbursement will expire 60 days from your receipt of our appraisal, which is estimated to be on **Tuesday, October 31, 2017**. See the enclosed Appraisal Guidelines and Agreement document for further explanation. If your appraisal report is submitted after the 60-day statutory date, Single Source, Inc. will consider it for negotiation purposes; however, it will not be eligible for reimbursement.

We want you to be satisfied that your property and your rights under eminent domain have been fully considered. If you have any questions about the acquisition process, please call me at 262-789-8300, ext. 103 or on my cell phone at 414-526-7271. I would be pleased to provide any additional information.

We ask that you give this matter your earliest consideration and we thank you in advance for your cooperation.

Respectfully,

Single Source, Inc.



Steve Boll
Real Estate Specialist

SB:sk

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 25

Recommendation: That the Common Council adopts Resolution No. 11877-110717, approving the Murphy CSM development agreement for the design and installation of public improvements at 3413 E. Elm Road (Tax Key No.969-9029-000) (Project No. 17058) (4th Aldermanic District).

Background: This development agreement is for the installation of public sanitary sewer to serve a single family home parcel. Michael and Carrie Murphy are building a home on this property and will be the Developer for this project. The Plan Commission approved a Certified Survey Map for the Parcel at the June 27, 2017 meeting. The developer has worked with the Utility and Engineering Departments for the required improvements. This agreement will provide the City with the authority to direct and control the design and construction of the required public improvement to ensure they meet City codes and specifications.

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

Prepared by:



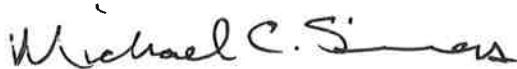
Brian L. Johnston, P.E.
Assistant City Engineer

Respectfully submitted:



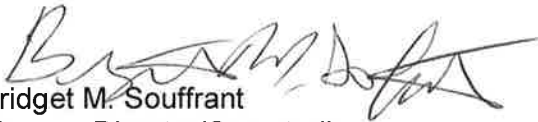
Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11877-110717

BY: _____

**RESOLUTION APPROVING THE
MURPHY CSM
DEVELOPMENT AGREEMENT**

TAX KEY NO. 969-9029-000

(4TH ALDERMANIC DISTRICT)

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

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of November, 2017.

President, Common Council

Approved this _____ day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____

Document Number	Murphy CSM Development Agreement Document Title
-----------------	---

Recording Area

Douglas W. Seymour, Director
Dept. of Community Development
8040 S. 6th Street
Oak Creek, WI 53154
Name and Return Address

969-9029-000

Parcel Identification Number (PIN)

THIS AGREEMENT, made and entered into this 11 day of October, 2017, by and between Michael R. Murphy and Carrie M. Murphy, 3900 E Hazel Branch Lane, Oak Creek, WI 53154, hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City";

WITNESSETH:

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

Parcel 1 of Certified Survey Map No. 8948, Document No. 10704024, Milwaukee County Register of Deeds, being a redivision of Parcel 1 of Certified Survey Map No. 8490, being a part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 35, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, more specifically bounded and described as follows; commencing at the northwest corner of said Southwest Quarter (SW 1/4); thence North 89°24'02" East along the north line of said Southwest Quarter (SW 1/4) and the centerline of East Elm Road 1306.65 feet; thence South 00°51'05" East 40.00 feet to the south right-of-way line of East Elm Road and the place of beginning of the land hereinafter to be

described; thence continuing South 00°51'05" East 257.00 feet; thence North 89°24'02" East 217.81 feet; thence North 00°35'58" West 257.00 feet to the south right-of-way line of East Elm Road; thence South 89°24'02" West along said south right-of-way line 218.94 feet to the place of beginning. Containing 56,122 square feet (1.29 acres) of land.

WHEREAS, the Developer has submitted a proposed sanitary sewer extension at 3413 E. Elm Road, which is the newly created parcel out of the property at 10855 S. 10th Avenue, encompassing the hereinabove described lands in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City, and

WHEREAS, the proposed preliminary site improvement was conditionally approved by the Planning and Utility Commissions of the City, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to approval by the City, and

WHEREAS, S.236.13(2)(a), Wis. Stats., and Chapter 14 of the Municipal Code of the City, provide that as a condition of approval, the Common Council of the City of Oak Creek may require that the Developer make and install any public improvements reasonably necessary, and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for this development, and

WHEREAS, the City believes that the orderly, planned development of the said lands will best promote the health, safety and general welfare of the community, and hence is willing to approve the proposed development providing that the Developer agrees to undertake and assume certain obligations and conditions and/or performed as hereinafter described, and

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. The proposed project is served and will benefit by the existing sanitary sewer along E. Elm Road.
2. Special Assessments and Waiver - There are no outstanding special assessment payments required for this agreement. The Developer shall sign the Waiver of Special Assessment Notice and Hearing attached as Exhibit B.
3. Bike Path and Impact Fees - The impact fees established for the City under Ordinance 2562 shall also apply to this development. The Developer agrees to pay the appropriate impact fees, created by this development, at the time a building permit is issued.

4. Time Period to Install Improvements - The Developer, entirely at its expense, shall complete the public improvements as described in Exhibit A.
 - A. The Developer shall, without charge to the City and upon certification by the City Engineer, unconditionally grant and fully dedicate all public improvements to the City. Dedication of public improvements shall occur prior to final occupancy and/or the termination of this agreement.
 - B. In the event the Developer does not complete the installation of improvements, the City shall, upon written notice to the Developer, have the authority to complete same and take title of the improvements. The City shall, without notice of hearing, impose a special assessment for the amount of said completion costs, upon the building site (or tax key parcel) in the development, payable with the next succeeding tax roll.
 - C. In accordance with Section 3.06 of the Oak Creek Municipal Code and under Sections 66.0703 and 66.0701 of the Wisconsin Statutes and other statutory provisions, the City may exercise its power to levy special assessments for the required improvements that shall benefit the development.
5. Items Prior to Construction - Prior to the commencement of construction of required improvements, the City Engineer shall ensure that the following requirements are met:
 - A. Approval of plans required in Exhibit A.
 - B. Developer has issued a notice to proceed to its contractor(s).
 - C. Developer and City have arranged a preconstruction conference.
 - D. All pertinent approvals have been attained from the Milwaukee Metropolitan Sewerage District and the State of Wisconsin Department of Natural Resources or other required jurisdictional agencies.
 - E. Arrangements made for the City to inspect the proposed construction.
6. Final Completion Approval – Only upon final certification by the City Engineer that all of the required public improvements and requirements as outlined in this agreement are constructed, inspected and found to be in compliance with City requirements and, 1.) proof of the public infrastructure costs associated with the sanitary sewer have been filed with the City Finance Director; 2.) lien waivers shall be filed with the City Engineer as proof that all subcontractors have been paid.
7. Reimbursement of Costs - The Developer shall reimburse the City for all outstanding fees, expenses, costs, and disbursements which were incurred by the City for

the design, review, construction, inspection, dedication, administration, enforcement, or acceptance of the development's improvements covered by this agreement. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials.

8. Workmanship Guarantee - Developer shall guarantee the public improvements described in Exhibit A, against defects due to faulty materials or workmanship, for a period of one year from the date of dedication; i.e. at final occupancy approval or at close out of the agreement. Pursuant to Paragraph 10(B), the Developer shall establish a security deposit, in an amount not less than 10% of construction costs of the sanitary sewer, to cover the guarantee period for the public improvement (part of the "collateral"). The maintenance obligations regarding the streets shall begin upon start of construction. Responsibility for the streets will be assigned as follows:

- A. Pavement maintenance due to construction activities, including any repairs and street sweeping, shall be the Developer's responsibility. Snow plowing will be the City's responsibility on E. Elm Road.
- B. If street repairs and street sweeping are not satisfactorily performed by the Developer; the City shall perform such with its own forces and charge the Developer accordingly for actual manpower, equipment and materials, plus 25% administration and overhead. Developer's responsibility with respect to the streets shall terminate upon final occupancy.

9. Hold Harmless - The Developer shall indemnify and save harmless the City, its officers, agents and employees, from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees, and the like to whomsoever is owed, which may in any manner result from the negligent construction or maintenance of improvements by the Developer pursuant to the terms of this agreement, the violation of any law or ordinance, the infringement of any patent, trademark, tradename or copyright, and the use of road improvements prior to their formal dedication to the City as provided in Paragraph 4 thereof.

10. Financial Guarantees

- A. Letters of Credit/Bonds – No bond is required for this agreement.
- B. Security Deposit

Prior to and as a condition of final occupancy approval, the Developer shall deposit the Collateral to secure the prompt, full and faithful performance by Developer of each and every provision of this agreement and all obligations of the Developer hereunder. The City is not required to hold the Collateral in any special or trust account, but may commingle the Collateral with other

funds of the City. Interest shall be paid to the Developer on the Collateral. If the Developer fails to perform any of its obligations hereunder, the City may use, apply or retain the whole or any part of the Collateral together with interest therein, if any, for payment of: (a) Sums of money due from the Developer under this agreement; (b) Any sum expended by the City on the Developer's behalf in accordance with this agreement; and/or (c) Any sum which the City may expend or be required to expend by reason of the Developer's default under this agreement.

The use, application or retention of the Collateral, or any portion thereof, by the City shall not prevent the City from exercising any other right or remedy provided by this agreement or by law (it being intended that the City shall not first be required to proceed against the Collateral) and shall not operate as a limitation on any recovery to which the City may otherwise be entitled. If any portion of the Collateral is used, applied or retained by the City, prior to the termination of this agreement, for the purposes set forth above, Developer agrees, within ten days after the written demand therefore is made by the City, to deposit cash with the City in an amount sufficient to restore the Collateral to its original amount.

Without limitation as to the obligations secured, the Collateral shall also secure the following specific obligations of the Developer to the City.

- 1) Completion of landscaping: including establishment of vegetative cover.
- 2) Payment of reasonable in-house administrative and inspection fees.
- 3) Maintenance fund for public improvements as described in paragraph 8.

The City will release to the Developer all funds from the Collateral, including interest, upon the earliest of the termination of this agreement or when the Developer fully and faithfully complies with all of the provisions of this agreement and completes the above-listed items, all to the satisfaction of the City Engineer, less amounts, if any previously applied by the City for the obligations secured hereby.

C. Billing

The City shall bill the Developer quarterly for costs incurred and backed up by the City. In the event the Developer fails to make payment to the City within 30 days of billing, interest shall accrue on the unpaid balance at the rate of 15% per annum. If unsuccessful, the City, upon written notice to the Developer, shall, without notice of hearing, impose a special assessment


for the amount of said costs upon each tax key parcel in the development, payable with the next succeeding tax roll.

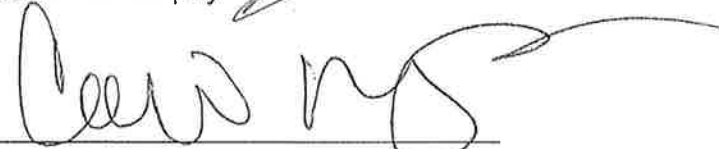
11. Inspection - The City, or its agents, shall provide full-time inspection of all improvements enumerated in Exhibit A, at the Developer's cost.
12. Deed Restrictions – No deed restrictions are required for this development.
13. Easements - The Developer shall acquire and dedicate to the City all public easements necessary to install and maintain public improvements required by this agreement. Permanent easements and deeds, on forms acceptable to the City, on or through private lands, shall be negotiated and obtained by the Developer, at his expense.
14. Changes to Plans and Specifications - The City Engineer may make reasonable changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors, to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall be informed of any changes to the plans or specifications directed by the City Engineer in writing. The Developer shall perform the work as changed entirely at his expense without any claim for reimbursement.
15. Miscellaneous
 - A. All construction required by this agreement shall be carried out and performed in a sequence agreed upon by the City Engineer.
 - B. Developer shall properly locate and install all survey or other monuments required by State statute or City ordinance.
 - C. Recording of this agreement shall be accepted by the City as adequate provision for improvements specified in Chapter 14 of the Municipal Code.
 - D. This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
 - E. This agreement shall be recorded by the City with the Register of Deeds of Milwaukee County.
 - F. Some or all obligations of the Developer shall terminate upon final occupancy approval and passage of a resolution by the Common Council of the City of Oak Creek releasing the Developer from the terms of this agreement.
 - G. Developer shall provide specifications in an electronic Adobe pdf format.

- H. Developer shall provide all stamped and signed construction plans in most current version of Adobe pdf files.
- I. After public improvements have been installed, Developer agrees to allow the City to grant utility construction permits within proposed City right-of-way prior to final occupancy approval.

IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.


In presence of:


Michael R. Murphy


Carrie M. Murphy

STATE OF WISCONSIN
(SS.
WAUKESHA
COUNTY)

Personally came before me this 11th day of October, 2017, the above-named, Michael R. Murphy and Carrie M. Murphay, to me known to be the persons who executed the foregoing instrument and to me known to be such property owners, acknowledged that they executed the foregoing instrument as such owners.


Notary Public

Milwaukee County, Wisconsin

My commission expires June 16, 2019

EXHIBIT A
CITY OF OAK CREEK
CITY ENGINEER'S REPORT
MURPHY CSM SANITARY

I. INTRODUCTION

The detailed standards for the design and construction of all improvements required in this exhibit shall conform to the City of Oak Creek Engineering Design Manual, adopted by the Common Council on March 16, 2004, and all future amendments thereof.

The Developer is responsible for required improvements, plans, and conditions:

II. DEVELOPMENT GRADING AND DRAINAGE

A. Required Improvements

No grading is required for this development agreement.

III. STORM DRAINAGE SYSTEM

A. Required Improvements

No storm drainage is required for this development agreement.

IV. SANITARY SEWER

A. Required Improvements

Design, install, and provide a complete sanitary sewer system designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's sanitary sewer system plan with rules, regulations and procedures of the City, Milwaukee Metropolitan Sewerage District, and the State of Wisconsin Department of Natural Resources.

B. Plans and Specifications

1. Sanitary sewer plans, specifications, design calculations, and copies of all easements, by the Developer.

2. The City is to furnish "as-built" plans of the entire system on Adobe PDF, including location and elevation of laterals to mains.
3. Sanitary sewer system plan update, by the Developer
4. All reports required by the Milwaukee Metropolitan Sewerage District, the State of Wisconsin, and Southeastern Wisconsin Regional Planning Commission, by the Developer.

C. Installation of one sanitary sewer lateral from the sanitary sewer main to the property line for proposed building

V. WATER

A. Required Improvements

No public water main is required for this development.

VI. STREETS

A. Required Improvements

No public streets are required for this development.

VII. STREET LIGHTING

A. Required Improvements

No public street lighting is required for this development.

VIII. MISCELLANEOUS

DEVELOPER SHALL:

- A. Be responsible to preserve existing trees, brush, or shrubs, not approved for removal. If unauthorized removal occurs, landscaping will be replaced at the Developer's expense.
- B. Repair all damage to City streets caused by construction operations.
- C. Submit a landscape plan for screen plantings, berms, and entrances. Installation of landscaping shall be in accordance with approved plan.
- D. Acquire all required underground utility easements.

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 26

Recommendation: That the Common Council approve Resolution No. 11878-110717, accepting the workmanship and authorizing final payment to All-ways contractors, Inc., for Project No. 15015. This project involved the installation of park improvements in Abendschein Park (1st Aldermanic District)

Background: This project was authorized by the Common Council as part of the Capital Improvement Program, and was awarded on March 1, 2017.

Fiscal Impact: Final payment of \$8,410.00 is to be paid with CIP provided funding.

Prepared by:



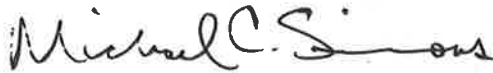
J. John Ozolins
Senior Engineering Technician

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. 11878-110717

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
ALL-WAYS CONTRACTORS, INC.
AND AUTHORIZING FINAL PAYMENT**

**ABENDSCHEIN PARK
PHASE 3 IMPROVEMENTS**

PROJECT NO. 15015

(1st ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and All-Ways Contractors, Inc., hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 15015 for the installation of park improvements in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$319,835.00; and,

WHEREAS, said total final contract price has been determined to be \$367,591.77 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 \$8,410.00.

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 park 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 \$8,410.00 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 7th day of November, 2017.

Passed and adopted this ____ day of November, 2017.

President, Common Council

Approved this ____ day of November, 2017.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES ____ NOES ____

FINAL PROJECT PAYMENT COST BREAKDOWN

CITY PROJECT NO. **15015** COUNCIL MEETING DATE: **November 7, 2017**
PROJECT LOCATION: Abendschein Park COUNCIL RESOLUTION NO. **11878-110717**
PROJECT DESCRIPTION: Phase 3 Improvements
GENERAL CONTRACTOR: All-Ways Contractors

CONTRACT BID AMOUNT: \$ 319,835.00
AUTHORIZED ADDITIONS TO ORIGINAL CONTRACT AMOUNT: \$ 14,860.00
REVISED CONTRACT AMOUNT: \$ 334,695.00
AS-BUILT PROJECT COST: \$ 367,591.77
AMOUNT OVER/UNDER ORIGINAL CONTRACT AMOUNT: \$ -
AMOUNT PAID TO DATE: \$ 359,181.77
AMOUNT DUE FINAL PAYMENT: \$ 8,410.00

PREPARED BY: J. John Ozolins DATE PREPARED: October 31, 2017
Senior Engineering Technician

City of Oak Creek Common Council Report

Meeting Date: November 7, 2017

Item No.: 27

Recommendation: That the Common Council adopt Resolution No. 11879-110717, a Resolution Approving an Amended Easement Agreement between SSV Oak Creek II, LLC and the City of Oak Creek (1st Aldermanic District).

Background: On August 22, 2017 the Plan Commission approved the site and building plans for the self-storage development at 275 East Drexel Avenue with certain conditions. One of those conditions was to change the existing public storm sewer and drainage easement to a private easement. The City entered into the existing easement in 1970. It is located near the east boundary of the parcel and runs in a north-south direction. In order to comply with landscaping requirements, transfer of this easement to private control is required. The Amended Easement Agreement removes the City as a party, and the maintenance obligations become the responsibility of the site owner, SSV Oak Creek II, LLC.

Fiscal Impact: The City will save approximately \$200 to \$250 in annual maintenance of the storm sewer and drainage area.

Prepared by:



Melissa L. Karls
City Attorney

Respectfully submitted by:



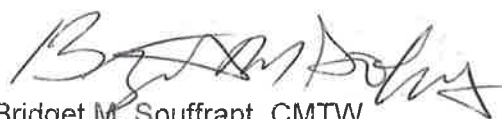
Andrew J. Vickers, M.P.A.
City Administrator

Reviewed by:



Phil Beiermeister, P.E.
Environmental Design Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11879-110717

RESOLUTION APPROVING AN AMENDED EASEMENT AGREEMENT
BETWEEN SSV OAK CREEK II, LLC AND THE CITY OF OAK CREEK
(1st Aldermanic District)

BE IT RESOLVED that the Amended Easement Agreement ("Agreement") by and between SSV Oak Creek II, 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 Agreement 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 7th day of November, 2017.

Passed and adopted this ____ day of November, 2017.

Common Council President Kenneth Gehl

Approved this ____ day of _____, 2017.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

DOCUMENT NO. **AMENDED EASEMENT AGREEMENT**

THIS AMENDED EASEMENT AGREEMENT, effective _____, 2017, is between SSV Oak Creek II, LLC, a foreign limited liability company ("SSV"), and the City of Oak Creek ("City").

RECITALS:

WHEREAS, SSV is the owner of the property described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the Property is subject to an Easement executed by previous owners of the Property and the City and recorded in the Office of the Milwaukee County Register of Deeds on November 16, 1970 as Document No. 455940, Reel 559, Image 1088-1090 (the "Original Easement"), a copy of which is attached hereto as Exhibit B; and

WHEREAS, SSV as the successor owner of the Property, and the City desire to amend the Original Easement to make it a private easement and remove the City as a party;

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is acknowledged, SSV and the City agree as follows:

AGREEMENT

1. **Private Easement.** The Original Easement is amended to make it a private easement and the City is removed as a party to the Original Easement as amended herein.
2. **SSV Responsible.** SSV hereby assumes liability for the performance of the City's responsibility in paragraph 1 of the Original Easement to maintain and keep in good order and condition the storm sewer and storm water drainage ditch within the Original Easement at SSV's expense.
3. **No Other Amendments.** Except as set forth above, the Original Easement as amended, shall remain in full force and effect.

[Signature Pages Follow]

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

S. Todd Farris, Esq.
Friebert, Finerty & St. John, S.C.
330 East Kilbourn Avenue, Suite 1250
Milwaukee, WI 53202

8149038000

Parcel Identification Number (PIN)

IN WITNESS WHEREOF, the parties have executed this Amended Easement Agreement as indicated below.

SSV OAK CREEK II, LLC

By: _____

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2017 personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the _____ of SSV Oak Creek II, LLC and acknowledged to me that s/he executed said instrument for the purposes and considerations therein expressed, and as the act of said corporation.

Name: _____
Notary Public, State of Wisconsin
My commission _____

CITY OF OAK CREEK

By: _____
Daniel J. Bukiewicz, Mayor

By: _____
Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2017 personally appeared Daniel J. Bukiewicz and Catherine A. Roeske, the persons whose names are subscribed to the foregoing instrument, and known to me to be the Mayor and City Clerk, respectively, of the City of Oak Creek, a municipal corporation, and acknowledged to me that s/he executed said instrument for the purposes and considerations therein expressed and pursuant to Resolution Number 11879-110717, as adopted by its Common Council on _____, and as the act of said corporation.

Name: _____
Notary Public, State of Wisconsin
My commission _____

This document was drafted by:
S. Todd Farris, Esq.

EXHIBIT A
Property

EXHIBIT B
Original Easement