

Minutes

Common Council

January 11, 2000

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, January 11, 2000, at the New Berlin City Hall at 8:45 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero and Kaminski. Also present were City Attorney Paul Reilly, Deputy City Clerk Nancy Hoffmann, Director of Community Development Steve Hoese, Asst. Director of Planning Mark Lake, Associate Planners Greg Kessler and David Haines, City Engineer Jeff Chase, Civil Engineer Mark Handzlik, Division Engineer J.P. Walker, Director of Human Resources Tami Potkay, Director of Streets, Parks & Recreation Paul Leuthold and Pat Clark from New Berlin Hills Golf Course.

Clerk's Report/No Report

MINUTES

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Common Council Meeting held on December 14, 1999. Seconded by Alderman Chiovatero and carried unanimously.

COMMUNICATIONS:

Motion by Alderman Patzer to recommend to Council approval of the SM&P Claim in the amount of \$917.29, per the recommendation of City Attorney Reilly. Seconded by Alderman Bullermann and carried unanimously.

Notice of Claim - Donald W. Tesch

Motion by Alderman Bullermann to recommend to Council approval of the Donald W. Tesch Claim in the amount of \$1,066.13, per the recommendation of City Attorney Reilly. Seconded by Alderman Wysocki and carried unanimously.

Notice of Claim - Heather Griggs

Motion by Alderman Bullermann to recommend to Council denial of the Heather Griggs Claim, per the recommendation of City Attorney Reilly. Seconded by Alderman Wysocki and carried with Aldermen Patzer and Kaminski voting "no."

Communication from Dennis Kasian/Appeal of Impact Fees

This item will be discussed at a hearing before the Committee of the Whole on January 25, 2000.

Communication from Plan Commission: A Resolution Adopting the Commercial Center Land Use Plan and Commercial Center Design Standards & Guidelines for the National Avenue, Moorland Road, and Coffee Road Area Which Functions as the Commercial Center of the City. - On File in the Clerk's Office

Communication from Plan Commission: A Resolution Adopting a Plan to Provide for a Safe, Convenient and Pleasant Alternative Mode of Transportation for Bicyclists and Pedestrians Within the Community. - On File in the Clerk's Office

PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the meeting held on January 10, 2000:

Andrejs & Linda M. Rukis - SE 1/4 Sec. 11 - 14901 W. Cleveland Ave. - Preliminary Two-Lot Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by Andrejs & Linda M. Rukis for a preliminary two lot land division located at 14901 W. Cleveland Avenue, SE ¼ Sec. 11 subject to:

1. Location of the existing structure must be tied down on the final CSM, as it appears to be in the wrong location. The vision triangle must be shown on final CSM also. The final 5' of Cleveland Avenue right-of-way must be dedicated on final CSM not reserved as depicted on the preliminary survey.
2. Driveway along Cleveland Avenue must be eliminated, as it is less than 100' from intersection. This must be resolved with the Engineering Department prior to final CSM.
3. Access (culvert) permit required from the City of New Berlin Engineering Department before any Building Permits will be issued.
4. A swale will be required along West lot line of both parcels 1 & 2 to facilitate drainage to Cleveland Avenue. More details will be required during a Building Permit application.
5. Connection to Municipal sewer and water required.
6. Payment of \$1,000.00 in Public, Open Space and Trail Fees required before city will sign the final CSM.
7. Owners must sign prior to City of New Berlin signing the Final CSM.

Seconded by Alderman Wysocki.

Motion by Alderman Wilkens to end debate. Seconded by Alderman Patzer and carried unanimously.

Upon voting, the motion carried with Alderman Scheuble voting "no."

Jacobs Ridge Condos - 17720 W. Lincoln Ave. - Rezone from R-4 to RM-1/PUD to Develop 88 Unit Residential Condo Project

A Public Hearing was scheduled for February 8, 2000 at 7:00 p.m.

The Tool House, Inc. - 5205 S. Emmer Dr. - Two-Lot Preliminary and Final Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by The Tool House, Inc. for a two lot preliminary land division located at 5205 S. Emmer Drive subject to:

1. Payment of \$2156.00 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.
2. All required impact fees for sewer and water are to be paid prior to issuance of building permits.
3. Access for ingress and egress between the Day Care and The Tool House will have to be addressed on the final CSM.
4. The storm sewer easement should be labeled "private" on the final CSM. Storm sewer should be parallel with west line.

5. Final CSM No. 8698 to be labeled. Only one sheet labeled preliminary has been submitted. Legal description and signatory sheets are required for final. Sheets must be numbered, signed and sealed by registered land surveyor for final.
6. Meet all conditions set in the Use Approval for the Tool House and the Day Care Center.
7. Owners must sign prior to City signing the Final CSM.
8. Correct all spelling errors and drafting errors. Stratton Drive is misspelled, bearings on easement, etc. are inconsistent with eastern right-of-way. Should be either Northwest or Southeast.

Seconded by Alderman Patzer and carried unanimously.

Brookfield Gas LLC - 16730 W. National Ave. - Rezone for Multi Tenant and Gasoline Fueling

Motion by Alderman Kaminski to recommend to Council denial of the request by Brookfield Gas LLC to rezone the property located at 16730 W. National Avenue from O-1 Office and Business Service District to B-3 General Commercial and Bulk Sales District for the based on the following:

1. This proposal is not consistent with the Land Use and Urban Design Plan for the City of New Berlin: 2010. The 1987 adopted Master Plan calls for commercial development at this intersection.
2. Submittal of a revised site plan drawn to an acceptable scale showing paved areas, building and available green space. A minimum of 25% green space is required for this development.
3. The 27 parking stalls proposed for this development fails to meet the parking requirements as outline in the City of New Berlin Zoning Ordinance section 17.0403.
4. Submittal of grading plans that shows existing and proposed grades for this site as staff is unable to determine direction of site drainage.
5. Driveway entrance should be moved about 50' farther North on Observatory Road.
6. Applicant will be required to submit sewer plans acceptable by MMSD to determine availability of capacity to sustain development.

Seconded by Alderman Chiovatero.

A Public Hearing was scheduled for February 8, 2000 at 7:05 p.m.

Stormy Acres - 20900 W. Glengarry Rd. - Final Land Division - Lot 31

Motion by Alderman Wilkens to recommend to Council approval of the Stormy Acres final land division - Lot 31 located at 20900 W. Glengarry Rd. subject to:

1. Installation of concrete inverts along Windsor Drive per plan is required prior to Building Permit.
2. Submittal and receipt of construction plans on computer disk prior to Building Permit.
3. Re-certification of roadway, ditches, and monumentation required prior to Building Permit.
4. Park to be "dedicated to the City of New Berlin for park purposes." Label on face of CSM (all pages).
5. Wetland within Park to be surveyed and labeled on face of CSM. Surveyor's certification is required.
6. Development of parcel limited to 20,000 square feet as identified by Section 17.0306(8) of City of New Berlin Zoning Code. Single family residential building permit to be signed off by the Planning Department for compliance prior to issuance.
7. Letter of credit for remaining improvements that need to be constructed, for the inspections of those improvements, to guarantee the survey monuments, and final lift of the asphalt prior to the City signing the final CSM.
8. Public Site and Trail Fees have been waived due to the 21.35-acre park dedication.

9. Owners and Surveyor required to sign the Final CSM before the City will sign the Final CSM.

Seconded by Alderman Patzer.

Motion by Alderman Wysocki to allow Mary Maiorano to address the Council. Seconded by Alderman Patzer and carried unanimously.

Friendly amendment that the Mayor is not to sign the CSM until the City Engineer receives the surety instrument and computer disk from the Developer.

Motion by Alderman Patzer to end debate. Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no."

Upon voting, the motion carries with Aldermen Bullermann, Wysocki, and Scheuble voting "no."

BOARD OF PUBLIC WORKS/No Report

UTILITY COMMITTEE/No Report

MAYORAL APPOINTMENTS

City Clerk

This item will be discussed under Closed Session.

ACTION ON PUBLIC HEARINGS

Bethel Assembly of God - 17770 W. Cleveland Ave. - Rezone from A-2 to I-1 Institutional

Motion by Alderman Kaminski to recommend to Council approval of the request by Bethel Assembly of God to rezone the property located at 17770 W. Cleveland Ave. from A-2 to Institutional subject to:

1. Site and Architecture to be thoroughly reviewed during the use, site and architectural review process.
2. County Access Permit required for access to Cleveland Avenue.
3. Adherence to 17.1308 (10) Woodland Preservation restrictions required.
4. Floodplain and Wetland delineation is required and must be field verified by the Wisconsin DNR and Corps of Engineers.
5. Building must meet all applicable State and local building and fire codes.
6. 25% open space required within development.
7. Detailed traffic study for the potential impact to Cleveland Avenue required.
8. Submission of percolation tests done for two sites suitable for a conventional septic system of a single mound system or other state approved sanitary system.
9. Acceptance of offer by applicant of payment in lieu of taxes to address services to the site.
10. Church to dedicate conservancy lands to the City contiguous with the Stigler Nature Area.
11. Fertilization or use of herbicides or pesticides to be restricted to a milorganite or all-organic type product.

Seconded by Alderman Wilkens and carried unanimously.

SAFETY COMMISSION/No Report

PARKS & RECREATION COMMISSION

Establishment of Golf Course Fees for 2000

Motion by Alderman Patzer to recommend that the Council accept the 2000 Greens Fees for the New Berlin Hills Golf Course as recommended by the Golf Course Committee. Seconded by Alderman Chiovatero and carried with Alderman Kaminski voting "no."

LANDMARKS COMMISSION

Needham House on National Historic Register

Motion by Alderman Chiovatero to recommend to Council that the Needham House, located at 12713 W. Greenfield Ave., be placed on the National Historic Register. Seconded by Alderman Bullermann and carried unanimously.

ELECTRICAL REVIEW BOARD

Amend Section 15.22(2) of the Municipal Code

Motion by Alderman Scheuble to recommend to Council to amend Section 15.22(2) of the Municipal Code to read as follows:

"PERMIT NOT REQUIRED. No permits shall be required for the connection of electrical equipment having a rating of not greater than 120 volts or 20 amps and having an attachment cord and cap for connection to a permanently installed receptacle, except that a permit shall be required for the installation of a new fire alarm system, or, the replacement of an existing fire alarm system. No person, firm, or corporation shall alter or install a fire alarm system without first having procured a license, as provided in this chapter. A fire alarm system is one where the electrical wiring is connected to a listed fire alarm control panel", and to direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Wilkens and carried unanimously.

STORM WATER MANAGEMENT COMMITTEE

Adoption of Storm Water Master Management Plan

Motion by Alderman Wysocki to recommend to Council to approve the adoption of the revised draft Storm Water Master Management Plan for the City of New Berlin dated April of 1999, subsequent additions prepared for the City of New Berlin and Wisconsin Department of Natural Resources by Camp, Dresser & McKee Inc.

Seconded by Alderman Bullermann and carried unanimously.

Adoption of Storm Water Draft Ordinance

Motion by Alderman Wysocki to recommend to Council to approve the adoption of the Storm Water Draft Ordinance subject to final review and recommendation by the City Attorney. Seconded by Alderman Wilkens and carried unanimously.

Award of Contract - NP-1 Study

Motion by Alderman Wysocki to recommend to Council to award a feasibility study contract to Bonestroo, Rosene, Anderlik and Associates for NP-1 Study, funding to come from 2000 CIP Drainage in an amount not to exceed \$14,400. Seconded by Alderman Bullermann and carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS

a. **Fire Department Contract** - TABLED 6-22-99 - No Report

b. **Ad Hoc Policy Committee:** Enclosed Storm Drainage Projects; Engineer Grading Guidelines; Amendments to Update Policies - TABLED 9-14-99 - No Report

c. **Re-Name Coffee Road/Resolution No. 00-02** - DEFERRED 11-23-99

Motion on the Floor: Motion by Alderman Patzer to recommend to Council that Coffee Road be restored to its original name of Coffee Street to better reflect our heritage. Seconded by Alderman Wysocki.

Alderman Patzer withdrew his motion.

Motion by Alderman Chiovatero to recommend to Council that Historical Preservation signs with the Landmarks Commission logo saying "Historic Coffee Street" be posted below Coffee Rd. street signs. Seconded by Alderman Patzer.

Motion by Alderman Scheuble to allow Joyce Salzman to address the Council. Seconded by Alderman Wysocki and carried unanimously.

Upon voting, the motion carried unanimously.

Motion by Bullermann to recommend to Council the approval of Resolution

No. 00-02. Seconded by Alderman Patzer and carried unanimously.

COMMITTEE OF THE WHOLE (Items from Consent Agenda)

Motion by Alderman Kaminski to recommend to Council to approve the following items from the consent agenda. Seconded by Alderman Wysocki and carried unanimously.

UTILITY

From December 29, 1999:

Sewer Claims

Motion by Alderman Wysocki to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$31,223.31, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

Water Claims

Motion by Alderman Bullermann to recommend to Council approval of payment of Water Utility Claims in the amount of \$347,583.20 all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

For January 12, 2000:

Sewer Claims

Motion by Alderman Kaminski to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$303,459.38, of which \$252,782.27 represents payment to MMSD, and \$50,677.11 represents payments to vendors. Seconded by Alderman Chiovatero and carried unanimously.

Water Claims

Motion by Alderman Wysocki to recommend to Council approval of payment of Water Utility Claims in the amount of \$222,298.45, all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

LICENSES

Bartender Licenses

Motion by Alderman Wysocki to recommend to Council approval of a 6-month probationary Bartender License for the year 1998-2000 to David M. Mularkey. Seconded by Alderman Patzer and carried with Aldermen Bullermann and Chiovatero voting "no."

Motion by Alderman Wysocki to recommend to Council approval of the Bartender Licenses for the year 1998-2000 to Jennifer L. Bentrup, Marie A. Binder, Shawn M. Clermont, Catherine K. Elert, Anita C. Estes, Stephanie R. Johnson, Betty E. Kleinmeyer, Kathleen M. Laska, Erika B. Metzger, Victoria M. Polivka, Agnes K. Rehm, Lisa M. Sanchez, Julie M. Schieble, Shannon M. Schneider, Marilyn G. Schreck, Steven J. Spaeth, Gretchen J. Tamms, Angelia L. Wiroll, and Suzanne M. Young. Seconded by Alderman Patzer and carried unanimously.

MISCELLANEOUS

Creation of Youth Board

Motion by Alderman Wilkens to recommend to Council that a 16 member youth board be created to study and make suggestions on matters involving youth, their role, and their place in the City of New Berlin. That Board would consist of 2 youth members nominated by each of the seven Aldermen, and approved by the Council, and 2 youth members nominated by the Mayor and approved by the Council. One of each of the pair of appointed Board members would initially serve a one year term, with all subsequent Board members filling a two year term. One half of the Board would be replaced each year to provide continuity. Seconded by Alderman Kaminski.

Friendly amendment that the board be named "Youth Advisory Board."

Upon voting, the motion carried unanimously.

Sale of New Berlin Police Department Building/Transfer of Property

Motion by Alderman Wysocki to recommend to Council approval of the purchase of 2 feet on the north lot line of this property to Super Products for the amount of \$700, the same amount to be reduced from the sale price of the Police Dept. building, to clear up an encroachment issue. Seconded by Alderman Patzer and carried unanimously.

FINANCE

From December 17, 1999:

Motion by Alderman Wysocki to recommend to Council approval of the Bi-weekly Claims in the amount of \$83,949.90, most of which represents tax refunds. Seconded by Alderman Patzer and carried unanimously.

From December 29, 1999:

Motion by Alderman Kaminski to recommend to Council approval of the Bi-weekly Claims in the amount of \$2,064,206.66, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval of the Bi-weekly Claims in the amount of \$134,984.78, all of which represents tax refunds. Seconded by Alderman Wysocki and carried unanimously.

For January 12, 2000:

(1999)

Motion by Alderman Wysocki to recommend to Council approval of the Bi-weekly Claims in the amount of \$148,673.43, all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

(2000)

Motion by Alderman Kaminski to recommend to Council approval of the Bi-weekly Claims in the amount of \$36,760.66, all of which represents payments to vendors.

Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Chiovatero to recommend to Council approval of the Bi-weekly Claims in the amount of \$253,086.89, all of which represents tax refunds.

Seconded by Alderman Scheuble and carried unanimously

RESOLUTIONS AND ORDINANCES

Ordinance No. 2093 "Ordinance Amending Section 12.03 of the New Berlin Municipal Code to Eliminate Dedicated Check-out Lines for the Sale of Intoxicating Liquor and Fermented Malt Beverages" (2nd Reading)

Deputy City Clerk Hoffmann gave the second reading of Ordinance No. 2093

Ordinance No. 2095 "Ordinance to Appoint the Director of Finance and Utilities to be a Voting Member of the Utility Committee" (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2095.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2095.
Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no."

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2095.
Seconded by Alderman Wysocki and carried unanimously.

Ordinance No. 2096 "Ordinance Repealing and Recreating Section 1.13(2) City of New Berlin Municipal Code" (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2096.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2096.
Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2096.
Seconded by Alderman Wysocki and carried unanimously.

Ordinance No. 2097 "The Victorians of New Berlin Planned Unit Development Overlay District"

Deputy City Clerk Hoffmann gave the only reading necessary of Ordinance No. 2097.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2097.
Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no" and Alderman Kaminski voting "present."

Resolution No. 00-01 "Resolution Authorizing Mayor and Interim Clerk to Execute Any and All Documents Necessary to Complete the Sale of the New Berlin Police Department Property located at 17165 West Glendale Drive"

Motion by Alderman Bullermann to recommend to Council approval and adoption of Resolution No. 00-01. Seconded by Alderman Patzer and carried unanimously.

Council President's Report

Council President Wilkens gave a Council President's Report.

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report

City Attorney Reilly gave a City Attorney's Report.

Motion by Alderman Wysocki to move into Closed Session at 11:55 p.m. Seconded by Alderman Bullermann. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman

Patzer voted "yes", Alderman Scheuble voted "yes", Alderman Wilkens voted "yes", Alderman Chiovatero voted "yes", and Alderman Kaminski voted "yes".

CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(g) of the Wisconsin State Statutes.

3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

- City Clerk Appointment -

Motion by Alderman Wilkens to move into Open Session at 12:25 a.m. Seconded by Alderman Chiovatero and carried unanimously.

OPEN SESSION

Possible Action on City Clerk Appointment

Motion by Alderman Bullermann to recommend to Council to appoint Judy Weter to the position of City Clerk. Seconded by Alderman Kaminski and carried with Alderman Wysocki voting "no."

Motion by Alderman Wysocki to adjourn the meeting at 12:30 a.m. Seconded by Alderman Patzer and carried unanimously.

Nancy Hoffmann
Deputy City Clerk