

Minutes

Common Council

February 8, 2000

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 8, 2000, at the New Berlin City Hall at 11:50 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Director of Community Development Steve Hoese, Asst. Director of Planning Mark Lake, City Engineer Jeff Chase, Division Engineer Mark Handzlik, and Director of BIZ Bob Sigrist.

ACTION ON PUBLIC HEARINGS

Jacobs Ridge Condominiums - 17720 W. Lincoln Avenue - RM-1/C-1/C-2 to RM-1/C-1/C-2/PUD

Motion by Alderman Kaminski to recommend to Council approval of the request by Jacobs Ridge Condos for a rezoning from RM-1/C-1/C-2 to RM-1/C-1/C-2/PUD located at 17720 W. Lincoln Avenue subject to:

1. PUD ordinance to be reviewed and approved by City Attorney.
2. An 8' asphalt trail connecting the planned trails to the north and south will be required. Location of the trail to be coordinated with the Planning and Park & Rec departments.
3. Use, site and architectural review and approval required.
4. Developer's Agreement for the Lincoln Avenue improvements and rehabilitation, utilities and lift station to be approved by the Board of Public Works and Common council prior to permits being issued. Acceleration/Deceleration lanes as well as bypass lane required within Lincoln Avenue.
5. Architecture to be approved by the Architectural Control Committee.
6. An Impact Statement is required.
7. Per SS17.1309 of the City of New Berlin Municipal Code, a 25' landscape buffer required along northern lotline. Landscape buffer to be planted and maintained per SS17.1308 of the Municipal Code.
8. A revised Grading Plan/Stormwater Management Plan required
9. A detailed Utility Plan required.
10. A Landscape Plan required. Schedule of size and species of landscaping materials required. Plan should also address courtyard landscaping.
11. All dumpsters required to be stored internally unless out for collection.
12. All utilities to be fed underground.
13. Building to be fully sprinklered. Alarm system required. Fire Hydrants required within 150' of all Fire Department connections. Knox box required.

Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

D.C. Investments - 13050 W. Cleveland Ave. - Rezone from O-1 to I-1

Motion by Alderman Kaminski to recommend approval to Council of the request by D.C. Investments to rezone the property at 13050 W. Cleveland Avenue from O-1 to I-1 subject to the application, plans on file and the following:

- 1) Use, site and architecture to be thoroughly reviewed during the use, site and architectural review process.

- 2) Proof of County Access Permit required for access to Cleveland Avenue.
- 3) Adherence to 17.1308 (10) Woodland Preservation restrictions required.
- 4) Building must meet all applicable State and local building and fire codes.
- 5) 25% openspace required within development.
- 6) Building to be setback from adjacent properties a minimum of 50.'
- 7) A 25' landscape buffer required on the East and West property lines. Landscape plan showing buffers to be reviewed during use approval.
- 8) Detailed traffic study for the potential impact to Cleveland Avenue required.
- 9) All aboveground utilities, both on-site and off-site, to be buried.
- 10) Sewer and water plans to be approved by all regulating authorities. Basin Sanitary Sewer Capacity Analysis required.
- 11) Revised Storm Water Management Plan (with comps) required.
- 12) Use as Senior Housing required to conform with §17.0312 (3)
- 13) All the existing buildings are to be razed within six (6) months, and any environmental clean-up must be completed within twelve (12) months of approval of the ordinance.

Also to direct the City Clerk to prepare the proper Ordinance.

Seconded by Alderman Wilkens and carried with Alderman Scheuble voting "no".

REFERRALS, DEFERRALS, AND TABLED ITEMS

- Amend Engineering CIP Budget - TABLED 1-25-00 - Communication from Wisconsin Electric

Motion by Alderman Wysocki to remove this item from the table. Seconded by Alderman Bullermann and carried unanimously.

Motion on the Floor: Motion by Alderman Kaminski to recommend to Council to amend the 2000 Capital Improvement Budget to include \$250,000 for the construction of a compressed natural gas fueling station, with source of these funds being reimbursed to the City by a ISTEACMAQ Grant. Seconded by Alderman Wilkens.

Motion by Alderman Wysocki to allow Mr. Reagan and Mr. Hammernik to address the Council. Seconded by Alderman Patzer and carried with Alderman Bullermann voting "no".

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

Upon voting on the original motion, the motion failed with Aldermen Scheuble, Chiovatero and Kaminski voting "yes".

Alderman Scheuble left the meeting at 12:30 a.m.

Clerk's Report

City Clerk Weter gave a Clerk's Report.

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/No Report

MINUTES

Approval of Minutes of Common Council Meeting of January 11, 2000 - HOLD

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Common Council Meeting held on January 25, 2000. Seconded by Alderman Patzer and carried with Alderman Wysocki voting present.

COMMUNICATIONS:

Notice of Claim - Maria/Joe Troia - to City Attorney - Will be discussed during Closed Session.

Communication to Council from Paul Gallagher re: Jacob's Ridge Condominium Rezoning - On File in Clerk's Office

Communication from Safety Commission Secretary Lt. Rand Alf re: New Berlin City Hall Sign - Referred to Board of Public Works along with the Memo dated February 7, 2000 from Director of Streets, Parks & Recreation Paul Leuthold.

PLAN COMMISSION RECOMMENDATIONS/No Report

BOARD OF PUBLIC WORKS/No Report

UTILITY COMMITTEE/No Report

MAYORAL APPOINTMENTS/None

SAFETY COMMISSION/No Report

REFERRALS, DEFERRALS, AND TABLED ITEMS

- a. **Fire Department Contract** - TABLED 6-22-99

Motion by Alderman Bullermann to remove this item from the table. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to recommend to Council to approve the Fire Department Contract between the City of New Berlin and the New Berlin Volunteer Fire Department, Inc., for the period of January 1, 2001 to December 31, 2005. Seconded by Alderman Patzer and carried unanimously.

- b. **Ad Hoc Policy Committee:** Enclosed Storm Drainage Projects; Engineer Grading Guidelines; Amendments to Update Policies - TABLED 9-14-99 - No Report
- c. **Reconsideration Request** from Alderman Scheuble/Adoption of Storm Water Master Management Plan - TABLED 1-25-00

Motion by Alderman Wysocki to remove this item from the table. Seconded by Alderman Patzer and carried unanimously.

Motion on the Table: 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 Resources by Camp, Dresser & McKee Inc. Seconded by Alderman Bullermann.

Motion by Alderman Wysocki to defer this item. Seconded by Alderman Kaminski and carried unanimously.

- d. **Board of Public Works/Compressed Natural Gas Fueling Station** - Amend Engineering CIP Budget - TABLED 1-25-00 - Communication from Wisconsin Electric - Discussed Above
- e. **Safety Commission/No Parking** - Coachlight Drive and Carriage Lane - TABLED 1-25-00

COMMITTEE OF THE WHOLE (Items from Consent Agenda)

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

UTILITY

Sewer Claims

Motion by Alderman Wysocki to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$65,745.12 all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

Water Claims

Motion by Alderman Kaminski to recommend to Council approval of payment of Water Utility Claims in the amount of \$387,918.04 all of which represents payments to vendors. Seconded by Alderman Chiovaturo and carried unanimously.

LICENSES

Motion by Alderman Kaminski to recommend to Council approval of the Bartender License for the year 1998-2000 to Sunny K. Hebel and Christine D. Shaffer. Seconded by Alderman Wilkens and carried unanimously.

MISCELLANEOUS

Motion by Alderman Scheuble to recommend to Council to endorse actions that are currently underway by staff (Eng., Planning and Mayor’s Office) to negotiate with MMSD to resolve these issues. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Patzer to recommend to Council to continue to operate on a first in, first out basis for those sewer extensions that will add to the basin capacity, and that we utilize basin capacity in the basin where the development occurs before we attempt to do a basin capacity transfer. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wilkens to recommend to Council that each time a proposal for development is made which contemplates a sewer extension, the Planning Dept. will include the impact on that basin’s capacity in the materials reviewed by the Plan Commission and Common Council and will provide notice. Seconded by Alderman Kaminski and carried unanimously.

Update Signature Resolutions

Motion by Alderman Kaminski to recommend to Council that the Mayor, City Clerk and Treasurer be authorized to sign Bank resolutions and signature cards to update changes in staffing. Seconded by Alderman Wilkens and carried unanimously.

FINANCE

Motion by Alderman Wysocki to recommend to Council approval of the Bi-weekly Claims in the amount of \$581,874.33, all of which represents payments to vendors.

Seconded by Alderman Patzer and carried unanimously.

Ordinance No. 2098 "Ordinance Repealing and Recreating Section 15.22(2) City of New Berlin Municipal Code Pertaining to Electrical Permits" (2nd Reading)

City Clerk Weter gave the second reading of Ordinance No. 2098.

Ordinance No. 2100 "Ordinance to Rezone the Property at 17770 W. Cleveland Avenue from A-2 to I-1 Institutional"

City Clerk Weter gave the only necessary reading of Ordinance No. 2100.

Ordinance No. 2101 "Ordinance Repealing and Recreating Chapter 4 of the City of New Berlin Municipal Code" (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2101.

Motion by Alderman Bullermann to waive the second and third readings. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2101. Seconded by Alderman Wilkens and carried unanimously.

Resolution No. 00-06 "Transfer of Funds"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 00-06. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to move into Closed Session. Seconded by Alderman Patzer. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Patzer 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) & (e) of the Wisconsin State Statutes.

7. Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which is or likely to become involved.

- Troia Claim -

Motion by Alderman Bullermann to move into Open Session. Seconded by Alderman Patzer and carried unanimously.

OPEN SESSION

Motion by Alderman Kaminski to adjourn the meeting at 12:52 p.m. Seconded by Alderman Wilkens and carried unanimously.

Judy Weter
City Clerk