

Minutes

Common Council Minutes

June 13, 2000

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, June 13, 2000, at the New Berlin City Hall at 9:05 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were Asst. City Attorney Mark Blum and City Clerk Judy Weter, Director of Human Resources Tami Potkay, City Engineer Jeff Chase, Director of Community Development Steve Hoese, and Asst. Director of Planning Mark Lake.

Clerk's Report

City Clerk Weter gave a Clerk's Report.

Council President's Report- No Report

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report - No Report

COMMUNICATIONS

Notice of Claim - Michele Eversdyk/Recommendation for Denial from City Attorney Motion by Alderman Wysocki to deny the Michele Eversdyk Claim, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Patzer and carried unanimously.

Communication for The Linnie Lac Management District - On File in Clerk's Office

Communication to Council: Proclamation from Mayor Gatzke - On File in Clerk's Office

Communication from Tony Miller, President of Raven Golf - On File in Clerk's Office

Communication from City Atty. re: William Beaudry Claim - No Action

Communication from Civil Service Commission - On File in Clerk's Office

PLAN COMMISSION

Alderman Kaminski reported from the meeting held on June 5, 2000:

Raven Golf Services - 19410 Cleveland Ave. - Rezone to PUD

Motion by Alderman Kaminski to approve the initial request by Raven Golf Services, Inc. to rezone the property located at 19410 Cleveland Avenue from A-2 Agricultural and Rural Holding District to P-1 Park subject to the application, plans on file and the following:

- 1) Conditional use, site and architectural approval required.
- 2) A land division reflecting actual lands being rezoned required prior to signing of ordinance.
- 3) Cross easements to Deer Haven Golf Course required for use approval.
- 4) Coordination with Don Reed of the Southeastern Wisconsin Planning Commission (SEWRPC) on using any identified environmental corridors.
- 5) Landscaping Plan to be submitted as part of the use application to address the protection of any identified wetlands and lands to the east and west by errant golf balls.
- 6) Access Permit from the Waukesha County DOT required for use approval.
- 7) Revised "detailed" grading plan required for use approval. Facility may need to be lowered to allow for proper integration with parking lot to the east.

Seconded by Alderman Patzer and carried with Alderman Scheuble voting present.

Accessory Building Ordinance

Motion by Alderman Kaminski to: 1) amend the Zoning Ordinance to allow residential properties with an area of two (2) to five (5) acres the ability to construct accessory buildings up to 1.15 percent of the total lot area with residential properties over five (5) acres in size being allowed a maximum of three (3) accessory buildings with a 2,500 square feet maximum, 2) amend the Zoning Ordinance to give the Plan Commission the authority to review and approve accessory building uses in accordance with the City's Zoning Ordinance, 3) amend the Zoning Ordinance to give the Plan Commission the authority to permit existing houses, traditional homesteads, or remnant farmhouses the opportunity to build a 720 square foot accessory building in lieu of the 120 square foot accessory building when there is a finding that it is impractical to build an attached garage, 4) recommend to Common Council the amendment of Chapter 14 (Building Codes) to allow wood frame accessory buildings over 720 square feet with a minimum setback of 30' from the principal residence, and 5) allow the Zoning Administrator to review and approve agricultural buildings demonstrating agricultural use, and subject to the plans on file and the following:

New ordinance to be written to include the following, but not limited to:

- 1) Properties less than two (2) acres in size will be allowed a maximum of 840 square feet and up to two (2) accessory buildings. The following scale for maximum allowable square footages of accessory buildings per property will apply:

Lot Area	Maximum Allowable Sq. Footage	Maximum # of Buildings
2 Acres	1,000	2
2.5 Acres	1,250	3
3 Acres	1,500	3
3.5 Acres	1,750	3
4 Acres	2,000	3
4.5 Acres	2,250	3
5 Acres	2,500*	3

* Unless demonstrated agricultural use as determined by Zoning Administrator

2) Residential properties greater than five (5) acres in size are allowed a maximum of three (3) accessory buildings with a maximum square footage of 2,500.

3) Properties over five (5) acres in size that have a demonstrated agricultural use as determined by the City of New Berlin's Zoning Administrator would be exempt from this ordinance.

4) Accessory buildings within agricultural or residential zoning can only be used for storage and demonstrated agricultural purposes, and not home occupation, commercial storage, or business occupation.

5) Accessory buildings may be made from either masonry or wood frame materials, subject to the following: a) accessory buildings built from masonry must be at least 10 feet from a principal residence and b) accessory buildings over 720 square feet built from wood frame construction must be either an addition to the principal residence or be at least 30 feet from principal residence. Accessory buildings more than 120 square feet in area must be located at least 10 feet from any other accessory building or structure.

6) All accessory buildings shall meet all the front, side, and rear yard setback requirements for the district. There shall be a 5 foot rear and side setback for all buildings 120 square feet or less.

7) Section 17.0303 (7) (a) of the Zoning Ordinance shall continue to read "No farm buildings or parts of farm buildings shall exceed 60 feet in height. Accessory buildings and buildings exceeding 35 feet shall provide one (1) additional foot of required front, side, and rear yard for each one (1) foot over 35 feet.

8) Section 17.0303 (7) (c) of the Zoning Ordinance shall read "No accessory building or structure shall exceed 15 feet in height". Waiver by Zoning Administrator if higher pitch is required to match exterior of principle residence.

9) Section 17.0304 (7) (a) of the Zoning Ordinance shall continue to read "No farm buildings or parts of farm buildings shall exceed 60 feet in height. Accessory buildings and buildings exceeding 35 feet shall provide one (1) additional foot of required front, side, and rear yard for each one (1) foot over 35 feet.

10) The Plan Commission will have the authority to review and approve accessory building uses in accordance with the City's Zoning Ordinance.

11) The Zoning Administrator shall regulate the architecture of agricultural use accessory buildings only under Section 17.1305 (4) of the City's Zoning Ordinance.

12) Allow the Plan Commission the authority to permit existing houses, traditional homesteads, or remnant farmhouses the opportunity to build a 720 square foot accessory building in lieu of the 120 square foot accessory building when there is a finding that is impractical to build an attached garage.

Seconded by Alderman Patzer.

A Public Hearing was scheduled for July 11, 2000 at 7:05 p.m.

Raven Golf Services - 19410 W. Cleveland Ave. - SE ¼ Sec. 8. - One-Lot Preliminary Land Division

Motion by Alderman Kaminski to approve the request by Raven Golf Services for a one lot preliminary land division located at 19410 W. Cleveland Avenue SE ¼ Sec. 8 subject to the application, plans on file, and the following:

1) Proper zoning along with its associated, conditional use, site and architectural approval required.

2) All wetlands and environmental corridors required to be field delineated, surveyed and labeled on the face of the CSM. Coordination with Don Reed of the Southeastern Wisconsin Planning Commission (SEWRPC) on using any identified environmental corridors.

3) Landscaping Plan to be submitted as part of the use application to address the protection of any identified wetlands and lands to the east and west by errant golf balls.

4) Access Permit from the Waukesha County DOT required.

5) Cross access easements with Deer Haven Golf Course may be required.

6) Revised "detailed" grading plan required. Facility may need to be lowered to allow for proper integration with parking lot to the east.

Seconded by Alderman Patzer and carried with Alderman Scheuble voting present.

Carr, Kulkoski & Stuller, S.C. - 16869 W. Greenfield Ave. - NW ¼ Sec. 3 - One-Lot Preliminary and Final Land Division

Motion by Alderman Kaminski to approve the request by Carr, Kulkowski & Stuller, S.C. for a one-lot preliminary and final land division located at 16869 W. Greenfield Avenue, NW ¼ Sec. 3 subject to:

1) Remove temporary limited easement from the final CSM. Easement for Greenfield Avenue reconstruction only.

2) Primary access to 16869 W. Greenfield Avenue shall be from 169th Street. Access to Greenfield Avenue will be restricted to a point, which would allow for a common access between both 16813 and 16869 W. Greenfield Avenue properties.

3) Cross-access easements required between parcels.

4) Surveyor's signature and seal, required on all pages of the final CSM.

5) All owners as of the date of signing, to sign prior to City signing the final CSM.

Seconded by Alderman Patzer and carried unanimously.

HCLC Primary Care Center - 12555 W. Janesville Rd. - Rezone from B-2 to I-1 - Facility for Child Care Ministry & Christian Education

Motion by Alderman Kaminski to approve the request by HCLC Primary Care Center to rezone the property located at 12555 W. Janesville Road from B-2 General Services and Business District to I-1 Institutional District subject to:

1) Per §17.0314 (1)(o) of the City of New Berlin Municipal Code, a day care center is a principle use allowed within the B-2 district.

2) An application for use approval of HCLC Primary Care Center is required.

3) Per the City of New Berlin Fire Department:

a) Current sprinkler system to be attached to city water system.

- b) Fire hydrant required within 50' of Fire Department Connection
- c) Adherence to fire alarm system and smoke detector system requirements provided by Comm. 60.36.
- d) Adherence to day care center ingress and egress requirements provided by Comm. 60.31.
- 4) Ingress and egress to property limited to Lowell Place, new driveway configuration required.
- 5) Permits are required from the Building, Inspections and Zoning Department for any internal modifications. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.
- 6) Dumpster enclosure required dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 17.1304(14). Enclosure must match or enhance the exterior of the principle building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
- 7) Contingent on agreement for payment in lieu of taxes.

Seconded by Alderman Patzer.

A Public Hearing was scheduled for July 11, 2000 at 7:00 p.m.

BOARD OF PUBLIC WORKS

Alderman Wysocki reported from the meeting held on June 7, 2000:

Salt vs. Salt/Sand Mix for Treating Roadways

Motion by Alderman Wysocki to recommend that the City change to the use of pure salt rather than a sand/salt mix for the treatment of icy streets and commit to the associated budget increase at this time. (Note: We are now in the process of ordering salt for the 2000-2001 winter and a decision needs to be made regarding this commitment). Fiscal Impact of 4000 tons of salt for \$111,960 and 2000 tons of salt reserve for \$55,980. Seconded by Alderman Chiovatero and carried unanimously.

Purchase of a New Skid Loader for Streets Division

Motion by Alderman Wysocki to expend \$16,730 from 2000 Capital Improvement Program (Account 4-252-180) for the purchase of a New Skid Loader for the Streets Division. Seconded by Alderman Bullermann and carried unanimously.

AAA Grinding

Motion by Alderman Wysocki to authorize the City Engineer to include the project, i.e. paving a portion of AAA Grinding's Parking Lot, in the Annual Streets Resurfacing Contract. Seconded by Alderman Chiovatero and carried unanimously.

Civic Center Lighting - Award of Professional Services Contract

Motion by Alderman Wysocki to authorize and direct the City Engineer to enter into an agreement with Ruekert & Mielke to design and prepare construction contract documents for City campus lighting in the

amount of \$6,900 from account number 4-252-160. Seconded by Alderman Chiovatero and carried with Alderman Scheuble voting "no".

Rausch/May

Motion by Alderman Wysocki to recommend that due to the inability of the outside legal counsel for the property owners to meet the City's May 30, 2000 deadline for reaching a Land Development Agreement for the Rausch-May/WISPARK/Susnar Properties, Project 6: Cul-de-Sac to the Ramp Parcel should be removed from the Westridge Phase III Project. Seconded by Alderman Chiovatero and carried unanimously.

Letter of Floodplain Map Revision

Motion by Alderman Wysocki to authorize the City Engineer to enter into a Professional Services Contract with Bonestroo, Rosene, Anderlik & Associates a letter of (floodplain) Map Revision, source of funds from 2000 Drainage CIP in the amount of \$9,900. Seconded by Alderman Chiovatero and carried unanimously.

UTILITY COMMITTEE - No Report

SAFETY COMMISSION - No Report

TECHNOLOGY COMMITTEE - No Report

MAYORAL APPOINTMENTS

Customer Service Committee

Motion by Alderman Wilkens to approve the reappointments of Jennifer J. Johnson and Leonard R. Zurkowski, the appointments of Katie Schulz, Joseph G. Delloso, and Regina Sue Robison-Matheson, all with an expiration date of December 31, 2001, and the appointments of Jack F. Chiovatero and Rush D. Wilkens, both with an expiration date of April 30, 2001, to the Customer Service Committee. Seconded by Alderman Kaminski and carried unanimously.

Handicapped Person Appeals Committee

Motion by Alderman Wilkens to approve the appointment of Paul L. Scheuble to the Handicapped Persons Appeals Committee, with an expiration date of April 30, 2001. Seconded by Alderman Kaminski and carried unanimously.

Library Board

Motion by Alderman Wilkens to approve the reappointments of Dianne M. Carr, Deborah A. Stelzner, and Nancy E. Greenwood to the Library Board, all with an expiration date of June 30, 2003. Seconded by Alderman Kaminski and carried unanimously.

ACTION ON PUBLIC HEARINGS

Forest Ridge Condominiums - 14500 and 14510 W. Beloit Road - Rezone from R-4 to Rm-1/ Rd-1/ R4.5/PUD

Motion by Alderman Kaminski to approve the request by James Krahn/Forest Ridge Condominiums to rezone the property located at 14500 and 14510 W. Beloit Road from R-4 to Rm-1, Rd-1, R-4.5/PUD for a mixed-use condominium development subject to:

1. Revised PUD document to be reviewed by the City Attorney.
2. Revise building layout, all buildings north of Lindenwood Road are to be duplexes.
3. Metes and bounds legal descriptions of reconfigured districts required.
4. Full subdivision submittal based on reconfigured lots required.
5. Length bearing and tie to all easements (public and private) required.
6. Review by New Berlin School District for potential impacts to Elmwood Elementary School and Eisenhower Middle and High Schools required.
7. Approval of drainage, grading, utility and overall site plans by the Engineering Department is required Contact City Engineer for details. Detailed Stormwater management plan required. Plan to include drainage pond computations. Move detention pond out of WiDOT Trans. 233 regulated setback.
8. Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
9. Sewer and water plans to be approved by all regulating authorities.
10. Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final Plat.
11. An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
12. Bypass, acceleration and deceleration lanes required on Beloit Road.
13. The City of New Berlin Architectural Review Committee must approve two-family and eight-family building materials and exterior architecture.
14. Adherence to §17.1308(10) Woodland Preservation required. Tree inventory of existing trees greater than 4" DBH required. Landscaping plan, which addresses species, sizes and quantities of trees and shrubs required for Use Site and Architecture approval. Coniferous trees to be a minimum of 6' in height. Deciduous trees to be a minimum of 3-1/2" in caliper. Ornamental trees to be a minimum of 2-1/2" in caliper.
15. Entrance monumentation plan required.
16. Satisfaction of any/all Fire Department Concerns required. Hydrants to be located within 150' of any building riser. 8-unit buildings to be fully sprinklered. Knox boxes and alarm systems required.
17. Access permits required from the City of New Berlin Engineering Department for the extension of Lindenwood Drive.
18. Access permits required from the Waukesha County Department of Transportation for the connection to Beloit Road.
19. All buildings on the "Tarbox" property are to be razed, razing permits are required.
20. Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.
21. Payment of \$1,000/building or lot in Public Site, Open Space and Trail Fees required.

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

Deer Haven Golf Course - 19180 W. Cleveland Ave. - Rezone from C-1/C-2 to P-1 Park - Revised Plans for Additional New Holes to Existing Golf Course

Motion by Alderman Kaminski to approve the request by Deer Haven Golf Course to rezone the property located at 19180 W. Cleveland Avenue from C-1/C-2 to P-1 Park for use as an extension of an existing 9-hole golf course subject to:

1) Survey of all the field-staked Wetland and Primary Environmental Corridor delineations required. Plat of Survey of wetland and environmental staking to be verified and approved by SEWRPC prior to approval.

2) 401 grading and water quality permit # 3-SE-0256 from the Wisconsin Department of Natural Resources required to be on file in the Planning Department and available for reference at Deer Haven Golf Course.

3) Nationwide Permit # 98-05900-DJP from the Department of The Army – Corps of Engineers required to be on file in the Planning Department and available for reference at Deer Haven Golf Course.

4) Use approval for the expansion of the Golf Course required. Must meet conditions of existing use approval. Be sure to address screening of neighboring properties from errant balls, etc.

5) Per Sec. 17.1210 a fine in the amount of \$640.00 shall be imposed for work done prior to use approval being granted.

Seconded by Alderman Wilkens.

Motion by Alderman Scheuble to table this item. Seconded by Alderman Patzer. Upon voting, the motion failed with Alderman Scheuble voting "no".

Upon voting on the original motion, the motion carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS

Ad Hoc Policy Committee: Amendments to Updated Policies - Rural Development Policy - **TABLED 5-23-00** - No Action

Resolution & Ordinances/Resolution No. 00-14 - "Final Resolution in Accordance with Section 66.60 Wisconsin Statutes Authorizing Levying Special Assessments Against Benefited Properties in the Greenfield Avenue Watermain Assessment District" - **DEFERRED 5-23-00**

Motion by Alderman Bullermann to approve and adopt Resolution No. 00-14. Seconded by Alderman Wysocki and carried unanimously.

CONSENT AGENDA

Motion by Alderman Wilkens, seconded by Alderman Kaminski carried unanimously to approve the following items from the consent agenda:

Minutes

Minutes of the Common Council Meeting held on May 23, 2000

Public Hearing Minutes from June 6, 2000 re: James J. Krahn Rezoning

Public Hearing Minutes from June 6, 2000 re: Jeff Kernen Rezoning

Minutes of the Common Council Meeting held on June 6, 2000

Claims

Approve Sewer Utility claims in the amount of \$39,907.00, Water Utility claims in the amount of \$149,092.67, and bi-weekly claims in the amount of \$627,996.18, all of which represents payments to vendors.

LICENSES

Bartender Licenses

Approve Bartender Licenses for the year 1998-2000 and the renewal year 2000-2002 to Andrew J. Perez and Margaret C. Bissell.

Approve Bartender Licenses for the year 2000-2002 to Anthony J. Jampole and J. Nathan Morris.

Special Class "B" Retailers Licenses

Approve the Special Class "B" Retailers Licenses to sell Fermented Malt Beverages at Picnics or Gatherings to the New Berlin Citizens Against MD, New Berlin Eagles Club, New Berlin Lions Club, and the Prospect Lions of New Berlin at Malone Park, 16300 W. National Ave., from July 3rd to July 4th, 2000.

Approve the Special Class "B" Retailers License to sell Fermented Malt Beverages at Picnics or Gatherings to the Kettle Moraine HOG Chapter at Hal's Harley Davidson, 16701 W. Cleveland Ave. (aka 2725 S. 167th St.) from June 22nd to June 24th, 2000. Any complaints from neighbors, etc. that require police response will result in immediate revocation of license.

2000 License Renewals

Deny Bartender License renewal for the year 2000-2002 to Richard W. Platke.

Approve Bartender License renewal to Kathleen M. Nelsen, to expire December 12, 2000. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2002.

Deny Bartender License renewal for the year 2000-2002 to Ryan H. Sims.

Deny Bartender License renewal for the year 2000-2002 to Todd M. Truebenbach.

Approve all license renewals presented, subject to approval by the Inspection Department and proof of payment of personal property taxes and delinquent liquor bills.

MISCELLANEOUS

Hazardous Material Agreement/Resolution No. 00-19

Approve the agreement to provide Hazardous Materials Response Services, Memorandum of Agreement - Automatic Hazardous Material Incident, and recommend Resolution No. 00-19 to Council.

Prospect Drive Parking Concern

Amend the direction of Resolution #00-12, which was Parking Signs on Prospect Drive from 124th Street West 500 feet on the south side of the Street, to now read from 124th Street West 125 feet on the south side of the street, and direct the City Clerk to prepare the proper Resolution.

Storm Water Management Committee Membership

Approve the membership structure of the Storm Water Management Committee to be comprised of three Aldermen designated by the Council President, (Ald. Bullermann, Wysocki, and Patzer) the Mayor and the City Engineer or his/her designee.

Humane Society Contract

Approve the Humane Animal Welfare Society (HAWS) Contract for the period of July 1, 2000 to June 30, 2001.

LICENSES

2000 License Renewals

Motion by Alderman Wilkens to recommend to Council denial of the Bartender License renewal for the year 2000-2002 to Cindy Brunclik. Seconded by Alderman Wysocki. Upon voting, the motion failed unanimously.

Motion by Alderman Wysocki to recommend to Council to approve the Bartender License renewal to Cindy Brunclik, to expire December 12, 2000. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2002. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval of the Bartender License renewal for the year 2002-2002 to Louis H. Brouwer. Seconded by Alderman Scheuble and carried with Alderman Wysocki voting "no".

MISCELLANEOUS

Ratification of AFSCME Agreement

Motion by Alderman Bullermann to recommend to Council ratification of the 1999-2000 labor agreement between the City of New Berlin and the AFSCME Local 2676. Seconded by Alderman Wysocki and carried with Aldermen Scheuble and Wilkens voting "no".

Amendment to Common Council Rules/Candidates for Public Office

Motion by Alderman Patzer to recommend to Council that Council Rule 6E be amended to mirror the definition of a candidate for public office in the policy adopted by Council on May 15, 2000, and to strike #6: "Other matters of evidence or proof that the Common Council determines appropriate" from the requested Action Statement and from the policy on file in the Clerk's Office. Seconded by Alderman Bullermann and carried unanimously.

Vehicle Policy

Motion by Alderman Wilkens to recommend to Council that the current Vehicle Policy, Insurance for Business Use of Personal Vehicles section, to remove any reference to recommend levels of insurance, and to remove the requirement that evidence of insurance be provided to the employees manager, and to further modify the policy to reflect that employee's need only be insured and that reimbursement for deductible expenses incurred will be based on the current policy guidelines. Seconded by Alderman Kaminski and carried with Aldermen Bullermann, Wysocki and Patzer voting "no".

RESOLUTIONS AND ORDINANCES

Resolution No. 00-19 "Resolution Approving Intergovernmental Agreement to Form a Hazardous Material Incident Team with the City of Brookfield Fire Department and the Village of Butler Volunteer Fire Department"

Motion by Alderman Bullermann to approve and adopt Resolution No. 00-19. Seconded by Alderman Patzer and carried unanimously.

Ordinance No. 2113 "Ordinance Creating Section 8.015: Snow and Ice Removal for Residential and Multi-Family Property and to Set a Forfeiture for Violation of 8.015" (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2113.

Motion by Alderman Patzer to approve and adopt Ordinance No. 2113. Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no".

Ordinance No. 2114 "Ordinance Creating Subsection 17 in Chapter 14.25: Sidewalk Maintenance for Non-Residential Buildings and Premises and to Set a Forfeiture for Violation of 14.25(17)" (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2114.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2114. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

Ordinance No. 2116 "Ordinance Repealing and Recreating Section 12.03(1) of the City of New Berlin Municipal Code" (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2116.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2116. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2116. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to move into Closed Session. Seconded by Alderman Wysocki. 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.

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.

Motion by Wysocki to move into Open Session. Seconded by Alderman Wilkens and carried unanimously.

Possible Action on Zignego Facility

Motion by Alderman Kaminski that the City of New Berlin join the Quarry Association Group and make a contribution for shared payment of litigation costs of up to \$50,000 contingent on an analysis of the City's contingency fund and a recommendation from the City Treasurer that we have the necessary funds in the contingency account to cover this expenditure and to further direct the Mayor to include in his executive budget for 2001, funds to continue this litigation. Seconded by Alderman Scheuble and carried unanimously.

Motion by Alderman Wysocki to adjourn the meeting at 10:45 p.m. Seconded by Alderman Bullermann and carried unanimously.

Judy Weter
City Clerk

JW/nh