

Minutes

Common Council Minutes

November 8, 2000

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, November 8, 2000, at the New Berlin City Hall at 7:00 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, City Engineer Jeff Chase, and Asst. Director of Planning Mark Lake.

A Petition was submitted to the Common Council with 102 signatures of residents in New Berlin, Muskego, Big Bend, Vernon, Eagle, Pewaukee, Delafield, and Waukesha, in opposition to this rezoning.

ACTION ON PUBLIC HEARINGS

Midwest Power - New Berlin Energy Park - 6600 S. Crowbar Rd. - Rezone from Q-1 to M-2

Motion on the Floor: Motion by Alderman Scheuble to deny the rezoning request. Seconded by Alderman Wysocki. Upon voting, the motion failed with Aldermen Wysocki, Scheuble and Kaminski voting "yes".

Motion by Alderman Kaminski to approve the request by Midwest Power - New Berlin Energy Park to rezone the property located at 6600 S. Crowbar Road from Q-1 to M-2 subject to:

1. A revised plat of survey shall be submitted which shows the Access Road along I-43 and the reconfiguration of the lots. Plat of survey shall include a revised legal description, which describes portion of parcel to be rezoned to M-2 and remnant 250+ buffer along Tans Road as C-1. Legal description to match final CSM and shall not be adopted until use, site and architectural approval is granted.

Seconded by Alderman Scheuble.

Alderman Scheuble withdrew his second.

Motion by Alderman Kaminski to approve the request by Midwest Power - New Berlin Energy Park to rezone the property located at 6600 S. Crowbar Road from Q-1 to M-2 subject to:

1. A revised plat of survey shall be submitted which shows the Access Road along I-43 and the reconfiguration of the lots. Plat of survey shall include a revised legal description, which describes portion of parcel to be rezoned to M-2 and remnant 250+ buffer along Tans Road as C-1. Legal description to match final CSM and shall not be adopted until use, site and architectural approval is granted.

Seconded by Alderman Patzer.

Alderman Kaminski withdrew the motion.

Motion by Alderman Patzer to approve the request by Midwest Power - New Berlin Energy Park to rezone the property located at 6600 S. Crowbar Road from Q-1 to M-2 subject to:

1. A revised plat of survey shall be submitted which shows the Access Road along I-43 and the reconfiguration of the lots. Plat of survey shall include a revised legal description, which describes portion of parcel to be rezoned to M-2 and remnant 250+ buffer along Tans Road as C-1. Legal description to match final CSM and shall not be adopted until use, site and architectural approval is granted.

Seconded by Alderman Bullermann and carried with Aldermen Wysocki, Scheuble and Kaminski voting "no".

REFERRALS, DEFERRALS, AND TABLED ITEMS

Midwest Power - New Berlin Energy Park - 6600 S. Crowbar Rd. - One-Lot Preliminary Land Division - TABLED 9-26-00

Motion by Alderman Patzer to remove this item from the table. Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no".

Motion on the Floor: Motion by Alderman Kaminski to approve the request by Midwest Power for a one-lot preliminary land division located at 6600 S. Crowbar Road subject to:

1. A revised CSM be submitted which shows the Access Road along I-43.
2. CSM required WiDOT Trans. 233 approval. Label 50' setback on CSM.
3. Master Grading Plan, and Stormwater Management Plan, addressing the property east of the active quarry required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing of final CSM.
4. Ultimate development plan of entire property required.
5. Detailed "Access" Road plans required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing final CSM.
6. Developer's Agreement required. Developer's Agreement to be approved by the City of New Berlin Board of Public Works and Common Council prior to signing final CSM.
7. Remnant parcel at intersection of Tans Road and Crowbar Road shall be considered "Unplatted Lands," and labeled such on the final CSM.
8. Access Road to have a minimum width of 80' and dedicated to the City for public road purposes.
9. Tans Road to be restricted and labeled "Direct Vehicular Access Prohibited."
10. Interstate "43" to be restricted and labeled "Direct Vehicular Access Prohibited."
11. Payment of applicable Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
12. Owners to sign prior to City signing Final CSM.

Seconded by Alderman Scheuble.

Alderman Kaminski withdrew the motion.

Motion by Alderman Patzer to approve the request by Midwest Power for a one-lot preliminary land division located at 6600 S. Crowbar Road subject to:

1. A revised CSM be submitted which shows the Access Road along I-43.
2. CSM required WiDOT Trans. 233 approval. Label 50' setback on CSM.

3. Master Grading Plan, and Stormwater Management Plan, addressing the property east of the active quarry required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing of final CSM.
4. Ultimate development plan of entire property required.
5. Detailed "Access" Road plans required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing final CSM.
6. Developer's Agreement required. Developer's Agreement to be approved by the City of New Berlin Board of Public Works and Common Council prior to signing final CSM.
7. Remnant parcel at intersection of Tans Road and Crowbar Road shall be considered "Unplatted Lands," and labeled such on the final CSM.
8. Access Road to have a minimum width of 80' and dedicated to the City for public road purposes.
9. Tans Road to be restricted and labeled "Direct Vehicular Access Prohibited."
10. Interstate "43" to be restricted and labeled "Direct Vehicular Access Prohibited."
11. Payment of applicable Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
12. Owners to sign prior to City signing Final CSM.

Seconded by Alderman Bullermann.

Alderman Scheuble stated he is voting on these two motions under protest, as he believes the previous vote required a 6-1 majority vote, based on the protest petition.

Upon voting, the motion carried with Aldermen Wysocki, Scheuble and Kaminski voting "no".

Motion by Alderman Bullermann to adjourn the meeting at 9:12 p.m. Seconded by Alderman Patzer and carried with Aldermen Wysocki and Scheuble voting "no".

Judy Weter
City Clerk

JW/nh