

Minutes

January 12, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, January 12, 1999, at the New Berlin City Hall at 8:10 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Stuckert, Wilkens, Zierhut, and Kaminski. Also present were City Clerk Bill Bowers, City Attorney Paul Reilly, Asst. City Planner Mark Lake, Director of Parks and Recreation Paul Leuthold, and Rep. for Crown Golf Properties Pat Clark.

Clerk's Report

City Clerk Bowers gave a Clerk's Report.

MINUTES

Motion by Alderman Patzer to recommend to Council approval of the Minutes of the Common Council Meeting held on December 8, 1998. Seconded by Alderman Bullermann and carried with Alderman Wysocki voting present.

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Common Council Meeting held on December 15, 1998. Seconded by Alderman Kaminski and carried with Alderman Bullermann and Zierhut voting present.

Motion by Alderman Zierhut to recommend to Council approval of the Minutes of the Public Hearing held on December 8, 1998. Seconded by Alderman Bullermann and carried with Alderman Wysocki voting present.

COMMUNICATIONS

Notice of Claim - American Family Insurance/Annetta Foshey - To City Attorney

Notice of Claim - Richard Clark - To City Attorney

Communication from City Attorney Reilly regarding Denial of Joan Yeko Claim

Motion by Alderman Wilkens to recommend to Council denial of the Joan Yeko Claim, per the recommendation of City Attorney Reilly. Seconded by Alderman Stuckert and carried with Aldermen Wysocki and Patzer voting "no".

BUSINESS:

PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the Meeting held on November 16, 1998:

The Victorians of New Berlin B 17105 W. National Ave. B PUD for two 8-family Buildings

Motion by Alderman Patzer to recommend to Council approval of the PUD rezoning request by The Victorians of New Berlin located at 17105 W. National Avenue subject to:

1) Revised PUD required. Per '17.0329 (3) (b) "Y The PUD overlay district ordinance shall identify the specific project, building(s)Y use approvals granted as part of a combined application."

2) Revised "Statement of Mutual Benefits" is required. Focus should be on the mutual benefits to the City of New Berlin. Similar to an impact statement; I.E. more taxes, less of a school district burden, increased fees, sidepaths, etc.

3) Metes and bounds legal description of all lands to be rezoned Rm-1/PUD required. Description of PUD area to include parcel to the east.

4) Per '17.0312 of the City of New Berlin Municipal Code, a 120' buffer required for all buildings adjacent to a single-family residential district. Buffer yard to be maintained per '17.1309 (3) of the Municipal Code.

5) Per '17.1309 of the City of New Berlin Municipal Code, a 25' landscape buffer required along rear lotline. Landscape buffer to be planted and maintained per '17.1308 of the Municipal Code.

Seconded by Alderman Wysocki.

A Public Hearing was scheduled for February 9, 1999 at 7:00 p.m. Notice for the Public Hearing will be 1,000 ft. from this property.

Green Acres Golf & Condominiums (The Preserve at Deer Creek) B 14300 W. Howard Avenue B Golf Course and Condominiums (PUD)

Motion by Alderman Kaminski to recommend to Council approval of the request by Green Acres Golf & Condominiums for a PUD Rezoning for a Golf Course (Pro Shop, Fitness Center and Banquet Facilities), Condominium Development, Multi Family Development and Two Single Family Homesites located at 14300 W. Howard Avenue subject to:

1) Final PUD document to be worked out with the Planning Department and City Attorney.

2) Modify site diagram to include a senior housing condominium area and a trail and park area to be components to the North PUD District.

Seconded by Alderman Stuckert.

A Public Hearing was scheduled for February 9, 1999 at 7:05 p.m.

Warner Cable B 15410 W. Cleveland Ave. B Hub Distribution Site

Motion by Alderman Kaminski to recommend to Council approval of the request by Warner Cable for a hub distribution site located at 15410 W. Cleveland Avenue subject to:

1) Location of access driveway to be located such that it minimizes tree loss. Subject to '17.1308(10) of the City of New Berlin B Municipal Code.

2) Detailed Landscaping Plan required.

3) Approval of the Stormwater Management Plan, Grading Plan, and Utility Plans by the City of New Berlin B Engineering Department required prior to any permits being issued.

4) Access Permit required from Waukesha County Department of Transportation.

- 5) All utilities to be fed underground.
- 6) Notice of Generator tests required. All neighbors within 300' to be aware of schedule.
- 7) Site photometrics required.
- 8) Privacy fence gate to be of decorative and treated wood, not galvanized steel.
- 9) Revised architecture to meet architectural control committee standards with pitched roof.
- 10) Sound deadening for diesel generator required.

Seconded by Alderman Bullermann and carried unanimously.

BOARD OF PUBLIC WORKS - No Report

ACTION ON PUBLIC HEARINGS - None

MAYORAL APPOINTMENTS - None

PARK AND RECREATION COMMISSION

Alderman Patzer reported from the meeting held on December 21, 1998:

Golf Course Green Fees for 1999

Motion by Alderman Patzer to recommend to Council the 1999 Greens Fees for New Berlin Hills Golf Course as presented by Pat Clark of Crown Golf Properties. Seconded by Alderman Zierhut.

Motion by Alderman Stuckert to recommend to Council to amend the fees and raise the fees an additional .25 for 9 holes for residents, and .50 for non-residents to be used to offset the tax levy. Seconded by Alderman Zierhut.

Motion by Alderman Wilkens to end debate. Seconded by Alderman Patzer and carried with Aldermen Stuckert and Zierhut voting "no".

Upon voting on the motion to amend, the motion failed with Aldermen Bullermann, Stuckert and Zierhut voting "yes".

Upon voting on the original motion, the motion carried with Alderman Stuckert voting "no".

SAFETY COMMISSION

Alderman Wysocki reported from the meeting held on December 9, 1998:

Reduce Speed Limit on Wehr Road from Coffee Road to Cleveland Avenue to 25 mph

Motion by Alderman Wysocki to recommend to Council to reduce the speed limit on Wehr Road from Coffee Road to Cleveland Avenue to 25 mph. Seconded by Alderman Zierhut.

Motion by Alderman Stuckert to refer this item back to Safety Commission for further discussion. Seconded by Alderman Wysocki and carried unanimously.

3-Way Stop Sign Request - North Lane at Pohl Drive

Motion by Alderman Wysocki to recommend to Council to place a 3-way stop at North Lane and Pohl Drive. Seconded by Alderman Zierhut and carried unanimously.

TECHNOLOGY COMMITTEE - No Report

LEGISLATIVE COMMITTEE - No Report

REFERRALS, DEFERRALS, AND TABLED ITEMS

Ordinance No. 2051 - "An Ordinance to Repeal and Recreate Portions of Section 1.15 of the Municipal Code of the City of New Berlin Relating to Anything of Value" - DEFERRED 12-15-98

Three readings have been made on this Ordinance: September 15, 22, and October 13, 1998.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2051. Seconded by Alderman Zierhut and carried unanimously.

Ordinance No. 2056 - An Ordinance to Repeal and Recreate Sections 4.03 and 4.04 of the Municipal Code of the City of New Berlin Relating to Civil Service Employees - TABLED 11-10-98

Special Assessment Policy - TABLED 11-10-98

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

Motion on the Floor: Motion by Alderman Zierhut to recommend to Council the Special Assessment Policy as reviewed by the Board of Public Works and to make no changes. Seconded by Alderman Stuckert.

Motion by Alderman Wysocki to amend the motion that the City Attorney review Chapters 3 and 13, and develop one Ordinance that combines the components of each. Seconded by Alderman Zierhut and carried unanimously.

Upon voting on the motion as amended, the motion carried unanimously.

Resolution No. 98-58 - A Resolution to Adopt Fees for Services Provided by the New Berlin Fire Department" - TABLED 12-8-98

COMMITTEE OF THE WHOLE (Items from Consent Agenda)

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

UTILITY

From 12-23-98:

Sewer Claims

Motion by Alderman Zierhut to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$530,483.94, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

Water Claims

Motion by Alderman Zierhut to recommend to Council approval of the payment of Water Utility Claims in the amount of \$145,092.11, all of which represents payments to vendors. Seconded by Alderman Kaminski and carried unanimously.

For 1-13-99:

Sewer Claims

Motion by Alderman Zierhut to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$70,870.73, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

Water Claims

Motion by Alderman Bullermann to recommend to Council approval of the payment of Water Utility Claims in the amount of \$92,882.87, all of which represents payments to vendors. Seconded by Alderman Kaminski and carried unanimously.

LICENSES

Bartender's License

Motion by Alderman Zierhut to recommend to Council approval of the Bartenders License for the year 1998/2000 to Thomas M. Ortman Jr. and William G. Schultz. Seconded by Alderman Kaminski and carried unanimously.

RULES, LAWS AND ORDINANCES

Consideration of Adoption of Initial Resolution Regarding Industrial Development Revenue Bond Financing for Gerald A. Taylor, LLC Information with regard to the job impact of the project will be available at the time of consideration of the Initial Resolution. "Resolution No. 99-1 Initial Resolution regarding Industrial Development Revenue Bond Financing for Gerald A. Taylor, LLC"

Motion by Alderman Wysocki to recommend Resolution No. 99-1 to Council. Seconded by Alderman Patzer and carried unanimously.

MISCELLANEOUS

Re-allocation of Funds for Police Department

Motion by Alderman Zierhut to recommend a reallocation of funds from account 521.317 (Canine Fund) to account 521.330 (Business Expenses) in the amount of \$3,600 to Council. Seconded by Alderman Stuckert and carried unanimously.

FINANCE

Claims

From 12-23-98:

Motion by Alderman Wilkens to recommend to Council approval of the bi-weekly claims in the amount of \$1,625,483.68, most of which represents payments to vendors. Seconded by Alderman Zierhut and carried unanimously.

From 12-30-98:

Motion by Alderman Zierhut to recommend to Council approval of the bi-weekly claims in the amount of \$128,823.95, most of which represents escrow refunds. Seconded by Alderman Wilkens and carried unanimously.

For 1-13-99:

(1998)

Motion by Alderman Kaminski to recommend to Council approval of the bi-weekly claims in the amount of \$592,279.41, all of which represents payments to vendors. Seconded by Alderman Zierhut and carried unanimously.

(1999)

Motion by Alderman Zierhut to recommend to Council approval of the bi-weekly claims in the amount of \$50,631.75, all of which represents payments to vendors. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Kaminski to recommend to Council approval of the bi-weekly claims in the amount of \$73,216.22, most of which represents escrow refunds. Seconded by Alderman Wilkens and carried unanimously.

MISCELLANEOUS

Request for "Fire & Emergency Services Cost Recovery Ordinance"

Motion by Alderman Bullermann to recommend to Council to direct the city Attorney to draft an ordinance to be known as "Fire & Emergency Service Cost recovery Ordinance". Seconded by Alderman Zierhut and carried with Aldermen Wysocki and Zierhut voting "no".

RESOLUTIONS AND ORDINANCES

Resolution No. 98-64 "A Resolution to Vacate a Portion of Small Road"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 98-64. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 98-65 "A Resolution to Place a Three-Way Stop Sign at the Intersection of North Lane and Pohl Drive"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 98-65. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 99-1 "Initial Resolution Regarding Industrial Development Revenue Bond Financing for Gerald A. Taylor, LLC"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-1. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 99-2 "Transfer of Funds/Canine Corp. to Business Expenses"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-2. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 99-3 "A Resolution to Designate Polling Locations for Aldermanic District 5 and 6"

Motion by Alderman Stuckert to recommend to Council approval and adoption of Resolution No. 99-3. Seconded by Alderman Zierhut and carried unanimously.

Council President's Report

Alderman Wysocki gave a Council President's Report.

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report - No Report

Motion by Alderman Bullermann to move into Closed Session at 9:25 p.m. Seconded by Alderman Patzer. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Patzer voted "yes", Alderman Stuckert voted "yes", Alderman Wilkens voted "yes", Alderman Zierhut voted "yes", Alderman Kaminski voted "yes",

CLOSED SESSION

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

(g) 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 it is or is likely to become involved.

- Claim of Anthony Rieck -

- Claim of American Family Insurance/M. Bolliger -

Motion by Alderman Wilkens to move into Open Session at 9:35 p.m. Seconded by Alderman Kaminski and carried unanimously.

Possible Action on the Claim of Anthony Rieck

Motion by Alderman Bullermann to recommend to Council approval of the Anthony Rieck Claim in the amount of \$2060, per the recommendation of City Atty. Reilly. Seconded by Alderman Wilkens and carried unanimously.

Possible Action on the Claim of American Family Insurance/Margaret Bolliger

Motion by Alderman Zierhut to recommend to Council to accept the settlement of the Margaret Bolliger Claim in which they will pay the City the net sum of \$1,058.78. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Wysocki to adjourn the meeting at 9:38 p.m. Seconded by Alderman Bullermann and carried unanimously.

William Bowers
City Clerk

WB/nh