

Minutes

Common Council

December 14, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, December 14, 1999, at the New Berlin City Hall at 8:30 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 Finance Mike Holzinger, Asst. Director of Planning Mark Lake, and City Engineer Jeff Chase.

Clerk's Report

Deputy City Clerk Hoffmann gave a Clerk's Report.

MINUTES

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Common Council Meeting held on November 23, 1999. Seconded by Alderman Bullermann and carried unanimously.

COMMUNICATIONS:

Notice of Claim - Nicholas Bishop

Motion by Alderman Patzer to recommend to Council denial of the Nicholas Bishop Claim, per the recommendation of City Attorney Reilly. Seconded by Alderman Bullermann and carried unanimously.

Communication from Carole Raether re: Drug House

Motion by Alderman Patzer to recommend to Council approval to pay Carole Raether the amount of \$175.00 as a token of appreciation for her 20 hours of clean-up work at the drug house property. Seconded by Alderman Bullermann and carried unanimously.

Notice of Claim - Mary Harpster/Jessica Wehr - to City Attorney

PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the meeting held on December 6, 1999:

Clarence Schindler - 2305 S. Brookland Rd. - Ne 3 Sec. 11 - Preliminary Two-Lot Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by Clarence Schindler for a preliminary two lot land division located at 2305 S. Brookland Road NE 3 SEC. 11 subject to the application, plans on file and the following:

1) Drainage swale required along common lotline, location and length to be determined by City Engineer prior to building permit being issued.

2) Driveway access off of Lincoln Ave. required to have a "T" turnaround to allow maneuvering of vehicles without using arterial road. Access permit from the City of New Berlin Engineering Department required.

3) Payment of \$1000.00/new lot in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

4) Per Section 18.29(1) lot line to be adjusted so as the frontage on the two lots to be 140' B 160' to best preserve trees and provide for a swale. At least one lot to meet the minimum conditions of code at 20,000 sq. ft.

5) Per Section 18.29 the Plan Commission finds practical difficulty and recommends a variance to the lot size provisions as the proposal meets the test of 18.29(2).

Seconded by Alderman Patzer.

Motion by Alderman Wysocki to allow Clarence Schindler or his representative to address the Council. Seconded by Alderman Chiovatero and carried unanimously.

Upon voting, the motion 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.

Seconded by Alderman Wilkens.

A Public Hearing was scheduled for January 25, 2000 at 7:00 p.m.

Dennis Kasian - KASCO Partnership - NE 3 Sec. 14 - Approx. 3501 S. 147th Street - Three-Lot Preliminary Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by Dennis Kasian-KASCO Partnership for a three lot preliminary land division located at approximately 3501 S. 147th Street NE 3 SEC 14 subject to the application, plans on file and the following:

- 1) Wilbur Drive extension to be secured and included within this CSM. Purchase of extension required prior to the City Signing the Final CSM or all owners to sign CSM.
- 2) All existing buildings to be razed. Razing permit required.
- 3) Dedication of 147th Street from National Avenue south to KASCO project to be included in CSM, or required prior to City signing final CSM.
- 4) Stormwater drainage maintenance easement to be reduced to 60' per the Zimmerman Plan.
- 5) Developer's agreement for the construction of all improvements within this CSM required before the City will sign the final CSM.
- 6) PUD for overall development to be approved by the Common Council prior to the City signing the Final CSM.
- 7) Utility easement for utility reservoir site to be labeled on the face of the CSM.
- 8) Remove "Gross Area" calculations for all lots and dedicated areas.
- 9) 1" iron pipes along Deer Creek at the end of Wilbur Drive extended to be offset to a meander point.
- 10) Remove treelines from CSM.
- 11) Survey of field delineated wetlands to be labeled on the face of the CSM prior to the City signing the Final CSM.
- 12) Label Wilbur Drive extended (East of 147th Street).
- 13) Temporary cul-de-sac bulb (and easement) at the end of Wilbur Drive extended to be labeled on the face of the CSM.
- 14) All drainage easements to be labeled on the face of the CSM.
- 15) All easements requested/granted to the City are to be at no cost to the City.
- 16) Payment of \$1000.00/new lot (\$3,000) in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

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

Wisconsin Corporate Central Credit Union - 6250 S. Lowell Dr. - Two-Lot Preliminary and Final Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by Wisconsin Corporate Central Credit Union for two lot preliminary land division located at 6250 Lowell Drive subject to:

- 1) Payment of \$2,560 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.
- 2) Sanitary Sewer Easement along Janesville Road must be dedicated.
- 3) Analysis of availability of sanitary sewer capacity within the basin is required.
- 4) The East B West lot line shall be straightened to originate at the same point along the West lot line (Lowell Place) and connect to the East lot line to make parcel #2 about 350' to 415' in depth to be a straight line.
- 5) Utility plans and Developers Agreement to install improvements and payment of all fees required prior to City signing final CSM.
- 6) Owners must sign prior to City signing the Final CSM.

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

Extraterritorial Plat - Weston Heights - Town of Brookfield

Motion by Alderman Kaminski of no serious objection to extraterritorial plat for Weston Heights in the Town of Brookfield with the following comments:

- 1) 1200' cul-de-sac exceeds City of New Berlin Allowable of 500' Road connection to Greenfield Avenue along with proper access to lots to east should be explored.
- 2) Installation of all improvements prior to accepting application for Final Plat Review.
- 3) Agreement between City of Brookfield and Town of Brookfield for the extension of the utilities required.
- 4) Buildable area of most lots 10+ feet below Edmonton Drive.
- 5) Ownership of Outlot one (1) has not been identified.
- 6) Extension of urban cross-section required.

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

James Krahn - 12701 W. Beloit - Two-Lot Preliminary and Final Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by James Krahn for a two lot preliminary and final land division located at 12701 W. Beloit subject to the application, plans on file, and the following:

- 1) Easement widths to be labeled on the face of the CSM.
- 2) Common lotline at Beloit Road to be adjusted to the east to allow for a minimum 120' wide lot.
- 3) Eliminate southern jogs in lotline. Run lotline along center of Sanitary Sewer and Watermain easement.
- 4) Access to Parcels 1 and 2 from Beloit Road to be restricted to existing access located within parcel 1. Parcel 2 access restriction to be placed on the face of the CSM.
- 5) Cross access easement to Beloit Meadows needs to be labeled on the face of the CSM.
- 6) WIDOT 50' easement along I-43 to be labeled on the face of the CSM. Review and approval by WIDOT required prior to the City signing the final CSM.
- 7) Payment of \$1000.00/new lot in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
- 8) CSM to be recorded prior to December 31, 1999.

Seconded by Alderman Wilkens and carried unanimously.

Extraterritorial Plat - Guthrie Station - Town of Waukesha

Motion by Alderman Kaminski to relate the message of no serious objection, with the following comments:

- 1) Minimum rural lot size should be 1.5 acres not 1.0 acres.
- 2) 100' vision corner easement required at intersection of Allo and Crest view Drives.
- 3) Rear setbacks should be a minimum of 50'.
- 4) Side setbacks should be a minimum of 25'.
- 5) Primary Environmental Corridor setback should be a minimum of 10'.
- 6) No access to lot north of gas easement.
- 7) Installation of all improvements prior to accepting application for Final Plat Review.

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

BOARD OF PUBLIC WORKS

Alderman Wysocki reported from the meeting held on December 7, 1999:

National Avenue Side paths

Motion by Alderman Wysocki to recommend to Council the approval of Three-Party Design Engineering Services Contract between the City of New Berlin, State of Wisconsin Department of Transportation, and Graef, Anhalt, Schloemer & Associates, Inc. for the National Avenue Side paths Project for preliminary and final Design Services in an amount not to exceed \$216,000 with 20% of funds coming from Capital

Improvements Budget Acct. 251-910, and 80% of funds from Wisconsin DOT STP-D Grant. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no."

Vehicle Fleet

Motion by Alderman Wysocki to recommend to Council approval to purchase three (3) of the vehicles for next year. Seconded by Alderman Patzer.

Motion by Alderman Scheuble to table this item. Motion dies for lack of a second.

Upon voting, the motion carried unanimously.

UTILITY COMMITTEE

Alderman Bullermann reported from the meeting held on December 2, 1999:

Reorganization of the Utilities

Motion by Alderman Bullermann to recommend to Council approval to create a Finance and Utility Department by combining the existing personnel from the Accounting Department and Utility; eliminate the Utility Superintendent position and reassign Larry Wilms, PE to the Engineering Department as a Division Engineer; rename the Treasurer/Comptroller position to Director of Finance and Utilities; and include the business administrative functions of the Utility in the job description of the Director; elevate one Water Operator position to Lead Water Operator status; retitle the Utility Supervisor position to Utility Operations Manager; revise the job description to include responsibility for overall operations of the technical division of Utilities; and have the Director of Human Resources analyze this position utilizing the Decision Band Method. Also to direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Wysocki and carried with Aldermen Scheuble and Wilkens voting "no."

Authorization to Fill Lead Wastewater Operator Position

Motion by Alderman Bullermann to recommend to Council to authorize the Director of Human Resources to fill the Lead Operator - Sewer position effective January 4, 2000, along with any residual vacancies. Seconded by Alderman Wysocki and carried unanimously.

Composition of the Utility Committee

Motion by Alderman Bullermann to recommend to Council to elect Mike Holzinger (Director of Finance and Utilities) to become a voting member of the Utility Committee and direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Wysocki and carried unanimously.

Loan Terms for Stormwater Management Program Loan

Motion by Alderman Bullermann to recommend to Council that the \$450,000 loan of Wastewater funds for the Stormwater Management program be four (4) years of equal principal payments of \$112,500 and carry an interest rate of five (5) percent with the first installment to be due December 1, 2001. Seconded by Alderman Wysocki and carried unanimously.

MAYORAL APPOINTMENTS

Emergency Government

Motion by Alderman Kaminski to recommend to Council to approve the appointment of Robert Bertram as the Director of Emergency Government, with an expiration date of December 31, 2002. Seconded by Alderman Wilkens and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

SAFETY COMMISSION/No Report

LONG TERM STRATEGIC PLANNING COMMITTEE

Alderman Wilkens reported from the meeting held on November 23, 1999:

Approval to Engage in Long Term Strategic Planning Sessions

Motion by Alderman Wilkens to recommend to Council that the Department Heads meet with Council in January, 2000 and begin the process of establishing, reviewing and possibly modifying their long term plans. Thereafter, these meetings would repeat every December and May. Seconded by Alderman Wysocki and carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS

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

b. Moorland Road at Grange Avenue - Intersection Safety - TABLED 8-24-99 - No Report

Motion by Alderman Wysocki to remove this item from the table. Seconded by

Alderman Patzer and carried unanimously.

Motion on the Floor: Motion by Alderman Wysocki to recommend to Council the approval of signalization and street lighting for the intersection of Moorland Road and Grange Avenue. Seconded by Alderman Wilkens.

Motion by Alderman Wysocki to drop this item from the agenda. Seconded by Alderman Scheuble and carried unanimously.

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

d. Re-Name Coffee Road - DEFERRED 11-23-99

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

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.

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

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

e. Civil Service Commission - Banding of Position of Treasurer (Director of Finance and Utilities) - TABLED 11-23-99

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

Motion on the Floor: Motion by Alderman Bullermann to recommend to Council to approve the banding for the position of Treasurer (Director of Finance and Utilities) at D-7-2 and direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Kaminski.

Upon voting, the motion carried unanimously.

***** COMMITTEE OF THE WHOLE
(Items from Consent Agenda)

Motion by Alderman Patzer to recommend to Council to approve the following items from the consent agenda. Seconded by Alderman Wysocki 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 \$159,341.72, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

Water Claims

Motion by Alderman Chiovatero to recommend to Council approval of the payment of Water Utility Claims in the amount of \$176,046.64, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

LICENSES

Bartender's Licenses

Motion by Alderman Wysocki to recommend to Council approval of the Bartender's Licenses for the year 1998/2000 to Erin E. Becker, Angela C. Braselton, Carol J. Keip, Richard W. Platke, Tracy L. Seymour, Gina L. Tolson, and Susan M. Yerke. Seconded by Alderman Patzer and carried unanimously.

Rubbish Collection Licenses

Motion by Alderman Bullermann to recommend to Council approval of the Rubbish Collection Licenses for the year 2000 to: BFI Waste Systems of North America, Inc./Ron Gabbard, General Manager; Superior of Wisconsin, Inc. D/B/A Superior Services - Hartland/Lyle D. Paullin, General Manager; and Waste Management/Dennis Drephal, Division Manager. Seconded by Alderman Patzer and carried unanimously.

PERSONNEL

Temporary Appointment of City Clerk

Motion by Alderman Wysocki to recommend to Council to acknowledge the temporary appointment of Nancy Hoffmann to the position of City Clerk effective November 29, 1999. Seconded by Alderman Bullermann and carried unanimously.

MISCELLANEOUS

Agreement and Resolution Adopting a Joint Powers Agreement for the 911 Emergency System/Resolution No. 99-47

Motion by Alderman Bullermann to recommend to Council approval of the agreement adopting a Joint Powers Agreement for the 911 Emergency System and recommend Resolution No. 99-47 to Council. Seconded by Alderman Patzer and carried unanimously.

Extended Life of Customer Service Committee

Motion by Alderman Wilkens to recommend to Council to make the Customer Service Committee a permanent Committee, with goals for the Committee specified by the Common Council on an annual basis. Seconded by Alderman Bullermann and carried unanimously.

Johnson Quarry Park - Construction Detail Plan

Motion by Alderman Patzer to recommend to Council the adoption of the Construction Detail Plan (Reclamation Plan) for the reclamation of Johnson Quarry for Municipal Park purposes as required in the Offer to Purchase which was adopted by Common Council on September 14, 1999. Seconded by Alderman Bullermann and carried unanimously.

FINANCE

Claims

Motion by Alderman Wysocki to recommend to Council approval of the bi-weekly claims in the amount of \$522,912.77, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

RESOLUTIONS AND ORDINANCES

Resolution No. 99-47 "A Resolution Adopting a Joint Powers Agreement for the 911 Emergency System"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-47. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 99-48 "Transfer of Funds"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-48. Seconded by Alderman Patzer and carried unanimously.

Ordinance No. 2093 "An 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" (1st Reading)

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

Ordinance No. 2094 "The Preserve at Deer Creek Planned Unit Development Overlay District" (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2094.

Motion by Alderman Patzer to waive the second and third readings of Ordinance No. 2094. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2094. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no."

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

Motion by Alderman Wysocki to move into Closed Session at 10:10 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".

At this time, Alderman Bullermann left the meeting.

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.

- Gopal Avinash Claim -

- Mary Harpster/Jessica Wehr Claim -

Motion by Alderman Wysocki to move into Open Session at 10:20 p.m. Seconded by Alderman Patzer and carried unanimously.

OPEN SESSION

Possible Action on Gopal Avinash Claim

Motion by Alderman Wysocki to recommend to Council to settle the Gopal Avinash claim in the amount of \$3,200.00, per the recommendation of City Attorney Reilly. Seconded by Alderman Patzer and carried unanimously.

Possible Action on Mary Harpster/Jessica Wehr Claim

Motion by Alderman Wysocki to recommend to Council to settle the Mary Harpster/Jessica Wehr claim in the amount of \$1,375.00, per the recommendation of City Attorney Reilly. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Patzer to adjourn the meeting at 10:25 p.m. Seconded by Alderman Wysocki and carried unanimously.

Nancy Hoffmann

Deputy City Clerk

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