

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting.

PUBLIC HEARINGS

6:00 P.M. ()GK PG-976 Proposed Creation of a New Berlin Urban Service Boundary. (Citywide)

NEW BERLIN PLAN COMMISSION

NOVEMBER 10, 2008

MINUTES

The public hearing relative to the request for the proposed creation of a New Berlin Urban Service Boundary was called to order by Mayor Chiovaturo at 6:01 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; JP Walker, City Engineer; and Mark Blum, City Attorney.

Mayor Chiovaturo explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Mr. Kessler gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovaturo asked for questions or comments for the purpose of clarification.

Josh Gimbel, 100 E. Wisconsin Avenue, Milwaukee, Michael, Best, Friedrich - My grandfather, Gene Posner, owned the property at the corner of Coffee Road and Calhoun Road. I sent a letter to Mr. Kessler which is one of the letters the Plan Commissioners now have. We request that our property be placed in this urban service area. I stated the reasons in the letter. If you would like me to get into them, it is up to you, Mayor. We thought for the convenience the sewer lines coming down Calhoun Road, and because we would like to have the opportunity to develop. We have no current plans to develop, but we would prefer not to be restricted by the super majority. To get us into that urban service area would be a hurdle that we should not have to overcome, and we should be included at this point in time.

Mayor Chiovaturo – We appreciate your comments, and we do have the letter in front of us.

Mr. Kessler – That particular property is not one of those identified in your staff report. When we come back in December for further discussion and possible action, I will make the change to put his request in your staff report. I will not provide the letter again, but I will give you the recommendation of staff on the staff report.

Marie Michaels, 20015 W. National Avenue – I did receive a letter. I am unclear as to why we would ever at any point be considered for water and sewer because it is all residential along where I live. I could see at some point in time the area south of us may become commercial, but if they would go onto it, why would I have to go onto it?

Mr. Kessler – It doesn't mean that you would have to go onto it. We simply sent letters to all of the parcels in the established ultimate planning area for MMSD. We have no plans to ever sewer this area, but you were identified within a planning area. We wanted to make sure before we established the line that you were aware that the line was there if circumstances change, for whatever reason. You are unlikely to get sewer and water through 2020.

Ms. Michaels - Every quarter I get a \$24.00 sewer bill that has zero for my usage. I have received this for the last ten years and I have wondered why I get a sewer bill when I am not connected. I pay \$96.00 a year but I have a mound system.

Mayor Chiovero – It is probably your storm water fee.

Ms. Michael – It goes into the drainage ditch.

Mayor Chiovero – It is a fee that everyone in the entire City pays. It is dictated by how much impervious surface you have on your property.

Ms. Michael – If it is based on frontage, I have 400 feet of frontage.

Mayor Chiovero - It is for impervious surface.

Ms. Michael – I have just always been curious as to why I get this bill. When I have asked, I've been told that everybody gets one.

Mayor Chiovero – It is the storm water fee. It is a utility.

Paul Kreutzer, New Berlin Public Schools – We have dropped off a letter to Greg indicating that the school district would like to be considered into this service zone for the property we have at New Berlin West High School.

Mr. Kessler – The letter is before the Plan Commissioners.

Mr. Kreutzer – We are also on the agenda later tonight where we will have our engineering firm present and go into more length and detail about what we propose. For this particular section, the school district would also like to have its options available to

them if sewer ever became available to that region to service us. More acutely, right now New Berlin West High School treatment plant is failing. It also has an expiration of license at the end of June 2009, so we are faced with serious consideration with how to handle our waste. We had several different studies that we have conducted to resolve the waste issue. We are finding on a ratio of 3:1 for tax dollar savings that sewer is far less expensive for us to have as an option rather than an onsite treatment plant. We will have the opportunity to give you several of our studies that would indicate that. What we would like to do is be considered within that area because we would like to have New Berlin West as an option to be serviced with sewer. We certainly recognize and understand that the City has grave concerns about sewer west of Calhoun Road. We would propose that we would be the balloon on the end of the string. An island, as you might say in the vast west side of the district. Being a public municipality, we would be very interested in only being impacted. In other words, we would have our own line dedicated to us, servicing only our school and no other residents. We would also be willing to conduct studies for the City to make sure that the City did not have an undue impact if we would ever hook up to their services. At this particular stage, if we are not even designated as a zone, we would not even have that option. I think it would behoove all of us to at least have it as a consideration because we already have multiple studies indicating that there would be a significant tax savings for all of us in the community to have a sewer hook-up vs. an on-site treatment plant.

Ken Sharping, 18780 W. Overlook Drive – I would certainly want to be included in on any sort of municipal system that was needed. I can not understand why anybody would want to give up their rights for something that if it is needed, is available. I have lived in two different places where municipal systems were put in and it was a world of difference living there compared to smelling everybody elses sewers that were running over, and you couldn't even go outside when the wind came in certain directions, plus the mosquitoes. I have a mound system that will outlast me, but I don't know why you would give up your right for a system like that. I favor it.

John O'Hara – 16930 & 16970 W. Small Road - I know this area won't be involved, at least until after 2020, but once it goes in, how is the cost determined, by the foot, by fraction of an acre? Also, just for my own knowledge, after it goes in what appreciation on an average percentage on a property occurs after the City sewer and water goes in?

J. P. Walker, City Engineer – If you are referring to special assessments associated with sanitary sewer, there are a number of techniques and methods that are used to calculate. The most common is the front foot method. That is the width of your property at the right-of-way line. As far as increased value, we have had discussions with our Assessors office. You don't see the immediate increase right away, but over time you will see an increase in property value. I can't tell you the percentage, that would be a question for our Assessor.

Mr. O'Hara – What is the average cost right now per foot for sewer and water?

J. P. Walker – Going with the minimum 8" diameter pipe, you can figure about \$80.00 per foot, plus \$2,000 - \$2,500 for the lateral portion within the right-of-way. Going from

your property line to your home you can figure about \$60.00 per foot for a private plumbing contractor to connect to your home.

Mr. O'Hara – When you say lateral, is that the main thing that they have to plug into?

J. P. Walker – That is the connection between your home and the sewer main in the street. There are two pieces. There is a piece that would be installed that is connected directly to the main that stays within the right-of-way area of the street. From that point to your home you would hire a private plumbing contractor.

Mr. O'Hara – The cost for the private plumbing contractor depends on my hiring someone, but the other one is a set fee?

J. P. Walker – It is not a set fee, it depends on the width of the right-of-way. For general purposes, \$2,000 – \$2,500 for the lateral in the right-of-way is the going rate.

Laura Boyden, 5595 S. Martin Road – I have a failed system now, and I am replacing the system. I could have gone with a holding tank, but my hope is that the sewer will come in time. I had to go with an experimental system and my quotes were between \$25,000 - \$28,000. That is a big chunk of change to put out for a system that will last me 20 years.

John Schober, 5840 S. Vista Drive – I also have an interest in the land on the north side of National Avenue, just west of Calhoun Road. What concerns me is looking at the MMSD Ultimate Area. To stop short of that with the City's 2020 Plan forecloses a number of options. If there is a concern with the pace of development or whether an area should develop or not, that could be dealt with through the Master Plan and zoning, but to take the options off the table by limiting it, I think it would short sided. In my subdivision the homes date back from about the mid 60's, some earlier. I think it is not going to be one or two systems going, but over time as we are approaching forty years on a life that should be twenty-five years, we may see areas that may have the need for it in the next ten or twelve years. I just ask that the areas be allowed to coincide with the MMSD ultimate area. With respect to my parcel on National Avenue, I know on either side of the day care center, there are two parcels that are currently zoned B-2. Again, in that area where it is already zoned business, to foreclose an area from sewer that might otherwise naturally be able to develop, again I believe to keep the options on the table gives the best benefit to the City. I know of communities nearby here that the ability to use sewer as a means of getting very good high quality commercial or helping out residences that need it, is a priority. I hope the City will keep that in mind.

Tom Sitron, 5430 S. Egofske Road – What opportunity for input will the folks who are sitting here have in whatever decision is made?

Mayor Chiovatero – Currently right now this is a public hearing to hear your comments if you are in favor or against the New Berlin Urban Service Line. If you would like to be included, I would suggest writing us a letter, submitting it to Greg Kessler and it will be taken into consideration by the Plan Commission and Common Council.

Al Salentine – I represent the Salentine Family Trust on the property on the corner of National Avenue and Calhoun Road to Beloit Road. First of all, I would like to thank the Council for respecting the agriculture on the land going west on Calhoun Road. What I would like to understand is the corner cut-off when you are coming up Calhoun Road from Salentine Drive. What is that angled cut-off that comes into the property? Can someone explain that?

Mr. Kessler – (Mr. Kessler referred to map on display) It is a small triangular piece. When we were trying to establish the New Berlin Urban Service Line, we tried to follow property lines for the properties that were already part of the current sewer service area. As you can see, that corner piece is underneath the hatching so it is already within the current service area, so we were just trying to mirror existing conditions. The green is the ultimate planning area which I believe goes into your family's property. We purposely left that out at your request.

Mr. Salentine – I appreciate that.

Joe Russ, 11600 W. Shadow Drive – For the part of New Berlin that does have sewer, when was that installed? How old is the oldest current sewer system in New Berlin?

Mr. Kessler – The oldest I would guess would be mid 60's.

Mr. Russ – The reason I am bringing this up is it is easy to say we are going to do sewers now, and as cities get bigger and bigger, that infrastructure is still there and at some point it has to be redone at which case the cost is even more. New Berlin's original sewers are still fairly new, but if you decide to expand further, there is going to be more costs for future generations. I would like you to keep that in mind when considering this.

Ken Washburn, 179th & National – Would I be eligible for sewer at 179th & National Avenue? Is the lateral going to come right down National Avenue?

Mr. Kessler – You did receive a letter, correct?

Mr. Washburn – Yes, it looked like I was right on the edge.

Mr. Kessler – At the present time you are within the ultimate planning area, but you don't have the ability at the present time to get sewer, and should the urban sewer service boundary line be approved by the Plan Commission and Common Council, it would be the City's position that we would not provide it until after the year 2020.

Mayor Chiovaturo – I want you to please understand, there is no sewer going in at this time. This is about a boundary line that is the New Berlin Service Boundary Area that would preclude anybody west of this line from getting sewer until the year 2020. If there is a need for sewer, it would have to be petitioned for and voted for by a super majority of Council.

Mr. Washburn – I know it isn't going to come soon. I am just on the north side of 179th

& National, and I was just wondering if I would be eligible if we decide to include this in the plan in the future?

Mayor Chiovaturo – If you received a letter, you would be eligible.

Mr. Kessler – In terms of the infrastructural routing, I can't give you that answer today. That is far off and unplanned. Having received a letter, should the City decide to extend sewer at some point down the road, you would be in that area that could be serviced by MMSD.

Mr. Washburn – I am in favor of it.

Art Marquart, 17940 W. Beres – We are calling this the New Berlin Urban Services Area, and that scares me because right now that means sewer and water, but what does that mean next? Does it mean we are only going to get one third of the snow plowing and one third of the salt because we are not urban? Beres Road is on the City's plan right now for on-road bikeways, etc. Does that mean that it would or wouldn't get other services based on being part of the urban services area. I dislike the name, and I think if you are going to have it as your own sewer service boundary, you should just call it that and not have this other name that would allow future Plan Commissions or Councils to provide services or not in the urban area.

Vernon Bentley, 3450 S. Johnson Road – One of the gentlemen that was up here said that he wanted to develop his land. If a developer comes in here, even before the 2020 Plan and makes a request and it is approved for sewer and water for his development, aren't the residents in the path of the development also now more or less forced into sewer and water? You could use Howard Avenue as an example.

Mr. Kessler – I would look at it on a case by case situation in terms of the definition of "when it is available" which means it has to be traditionally in front of the home. In that case, the City would look at doing the special assessments under that scenario.

Mr. Bentley – If sewer and water is extended out to a new development and I'm in the path, would I receive sewer and water?

Mr. Kessler – As long as it is on the frontage of the property it would meet the definition in the code as being available.

J.P. Walker – If a sewer line is coming along a road and you are in a subdivision that is adjacent to that road, the only properties that would be considered to have sewer available are those that abut that road. None of the other properties within a given subdivision would be able to get sewer. The only way they would be able to get sewer is if it were branching off of that main that is on the lead road into the subdivision.

Mr. Bentley – If I lived on this main road and the sewer service was going to a developer ahead of me, can you explain what benefit it would be to me.

Mr. Walker – One of the responsibilities of the City Engineer is to prepare a special assessment report. Within that report there are many methods that are analyzed and discussed. If sewer is now available to a property the benefits for that property is receiving municipal services, there is no longer a need for a private on-site waste water treatment, and all the responsibilities for the care, treatment, conveyance of your waste would now fall within the City's responsibilities once the City takes ownership of that infrastructure. That is the benefit that you will be receiving.

Mr. Bentley – One of the statements that was made was that there is nothing in the 2020 Plan for any of this to happen, but there is a lot of open developable land west of Calhoun Road that once available, most likely developers will pursue which will put all of the residents in its path for having to take sewer and water. It is a little deceiving. I would suggest that the residents get an estimate of what sewer and water would cost. Ten years ago when the Westbrook Subdivision up in the northwest part of the city was offered sewer and water, by the time they paid for the sewer, the water, the laterals in the street, the laterals to their homes, close their well, close their septic, pay their impact fees and all the rest of the fees that go along with it those costs at that time ran between \$40,000 - \$57,000. That is one of the reasons that I am on the west side, and I don't want sewer and water because even if I had to spend \$12,000 or \$15,000 for a mound system, I am still better off than having sewer and water. I thought Mr. Walker gave a very good answer about the appreciation of the property. No matter what it costs you to put water and sewer in, you will not appreciate that value in a short period of time. You may or may not in the long period of time. Just a quick note for the woman who says she is paying \$24.00 for the storm water fee. My neighbor was paying the same thing because the City thought he had a two-family home, now he is paying \$15.00 like everybody else.

Mayor Chiovero – I would like to clarify some of Vern's comments. If the sewer is going in front of your home, you would be required to hook up to it, but if it is water, you are not required to hook up. You had stated water and sewer. There is a difference between the two.

Mr. Bentley – True, but isn't the policy in the City that if you take water, sewer comes with it because the water has to be returned back to the City of Milwaukee. It is a combination of sewer and water. You can't take one without the other.

Mayor Chiovero – You can take the sewer without water.

Mr. Bentley – If you took the sewer, but the water is now available in the street, can you explain how long you have to hook up to it? What is the percentage on the payment plan?

Mr. Walker – There is no time limit for hooking up to water. There is a one-year time limit for sewer from the date when you receive what is referred to as the availability letter. That is required by Code.

Mr. Bentley - What does the sewer cost annually?

Mr. Walker - It is based on water usage. If you are in an area where there is no municipal water, there is a flat charge based on a non-metered charge.

Mr. Bentley – The basic thing is they don't have to hook up to the water, but because sewer and water is going to be put in there at the same time, they have to hook up to sewer in a year. Am I right?

Mr. Walker – Yes, that is by Code.

Ralph Heun, 17765 W. Saturn Drive – How about a ball park figure for these charges?

Mr. Walker – The charges for the non-metered water is about \$130.00 a quarter.

Mr. Heun – That seems like about \$500.00 a year. That is an awful lot of well water. You can draw from your well for a long time for \$500.00 plus the idea of paying many thousands of dollars for infrastructure costs. You won't just put a line down a road because somebody wants it, you will have to start branching off. You have to have enough customers to make it economical. It seems to me that developments west of Calhoun Road are supposed to be five acres? Am I right in saying that?

Mayor Chiovaturo – Yes, residential developments.

Mr. Heun – Is that big triangle considered five acres, or are there 1-1/2 acre lots or ¾ acre lots? Maybe you could put a few 100 ft. lots in there and then the developers can really make some money. What size lots are in the triangle?

Mayor Chiovaturo – They are all over the board.

Mr. Heun – When you were trying to put in Wildwood Preserve, how big were those lots going to be? That was going to be a conservation subdivision.

Mr. Kessler – Those lots ranged roughly around ¾ acre.

Mr. Heun - I thought they were supposed to be five acre lots?

Mr. Kessler – It is either five acre lot size or five acre density. It is still the same number of lots being created.

Mr. Heun – There are a lot of mound systems in there and new aerobic systems which are repairable and replaceable. That is a lot cheaper than making these people pay \$25,000 - \$40,000 who may have spent that much putting in a really good system. Why do it? We don't have to have it all developed. We don't want to live in West Allis. We came out here because we wanted to live out in the country. Remember, the City with a touch of country? Let's pass this resolution so the Common Council can approve it, and then everybody has ten years to think about it. God forbid, but if something really goes wrong with the system such as the water level drops, there is still the ability for the Common Council to do something about it. Don't go jumping into something right now. Let's

pass this for the good of all the citizens in this area.

Mayor Chiovero asked three times for further comments or questions for clarification, seeing none.

Mayor Chiovero asked if anyone wished to speak in favor of the application?

Joe Russ, 16800 W. Shadow Drive – Somewhere down the line the infrastructure in place will need to be repaired. As I stated earlier, I think we need to draw a line in the sand. Calhoun Road has been the line in the sand. I think this does a good job of protecting that.

Vernon Bentley, 3450 S. Johnson Road – I am confused. Which boundary are we talking about? Are we talking about the old boundary or the extended boundary?

Mayor Chiovero – The new boundary.

Mr. Bentley – You are asking if we are in favor of the new boundary?

Mayor Chiovero – The new boundary, as drawn on the map.

Michael Losik – I represent the Geipel Sod Farm properties. We are in favor of approving the line as would be adjusted in accordance with the letter that Mr. Geipel supplied to the City. I am not in favor of the blue line, itself.

Mr. Kessler – I did not include their letter in your packets. You will get that next month. It is in the staff report as an area to be added in. (Mr. Kessler showed the property that Mr. Losik referenced on the screen).

Mr. Losik – If you read the entire letter, that is our initial request. Our total request is to include the whole of the Geipel property that is able to be sewerred. It is an expansion. The first line that Mr. Kessler is showing you on the screen is about 60 acres, the entire property that can be sewerred is 173.5 acres.

Mayor Chiovero – Are you in favor of moving the line to include the Geipel property?

Mr. Losik – Yes.

Mr. Kessler – (Mr. Kessler referred to the map on the screen). We can't include all of the 173.5 acres because once you get past the green dashed line, you are out of the ultimate planning area for MMSD as established.

Mayor Chiovero – He is in favor of the line up to at least the MMSD Ultimate Service Boundary.

Mr. Losik – That is correct.

Mary Hiebl, 2160 W. National Avenue – How many letters do we have where people are asking that the blue line be extended west? Are there three letters?

Mr. Kessler – I sent out 832 letters informing the property owners of the proposed boundary. I believe, to date I received one from the school district, one from Mr. Boyd, one from Mr. Geipel, and one from Mr. Gimbel for the Posner property. That is four.

Ms. Hiebl – Is the Council going to vote on the line that is on this map, or are they going to vote on the requests that are in the four letters that you mentioned?

Mr. Kessler – We will come back to the December Plan Commission meeting with the minutes of this meeting and specifically discuss the areas that were brought up tonight during the public hearing and the ones related to the letters that I have seen. The Plan Commission needs to take action on each one of those individually as a recommendation and forward a new map to Council.

Ms. Hiebl – So tonight if I come and say I am in favor of the blue line, then I am in favor of the blue line as it is up there, and at some later date these four letters and the line extending west will be approved again? Will there be another public hearing on that?

Mr. Kessler – There will not be another public hearing, but it will be up for public discussion at the next Plan Commission in December.

Ms. Hiebl – I just saw the one 175 acre request which I understand cannot fully be included. Could you reiterate for me again where the other three are?

Mr. Kessler – One property that you are referring to is the Geipel Sod property which Mr. Losik referred to. (Mr. Kessler pointed out the property on the map displayed on the screen and showed where the line is requested to be moved to).

Ms. Hiebl – How many acres is that?

Mr. Kessler – 60 acres. The second property that was brought up that is on record is the Posner property. (Mr. Kessler pointed out the property on the map displayed on the screen and showed where the line is requested to be moved to).

Ms. Hiebl – How many acres is that?

Mr. Kessler – 73 acres. The New Berlin West High School site is the third property with approximately 48 acres. Mr. Boyd has sent the Plan Commission a letter. (Mr. Kessler pointed out the property on the map displayed on the screen and showed where the line is requested to be moved to). There were two properties on Small Road as part of that. I have not received a letter from the owner. Paula Johnson, 16370 and 16380 W. Small Road wanted the two parcels added in. Those were the only changes.

Ms. Hiebl – When I say that I am in favor of the blue line, that is what we are voting on tonight and we are not including the other properties that you just mentioned?

Mayor Chiovero – We are not voting on anything tonight. This is just a public hearing.

Ms. Hiebl – When we say that we are in favor of, are we saying that we are in favor of the blue line that is on this map?

City Attorney Blum – If you just want to have your consent to the boundary line as set forth in the map that Mr. Kessler has provided and that is in the staff report, you can simply say that. I am assuming that you may or may not have some objection to the addition of the other properties. Is that fair to say?

Ms. Hiebl – I have questions about it.

City Attorney Blum – To be clear for the record for tonight, you can indicate that your desire is to have your assent be attached to the map as Mr. Kessler presented this evening and that you reserve comment on the other properties that have been mentioned and have been requested to be added in.

Ms. Hiebl – That is my comment.

Joe Russ, 16800 W. Shadow Drive – I am in favor of the map with the blue line as is with no modifications.

Mayor Chiovero asked three times if anyone else wishing to speak in favor, seeing none.

Mayor Chiovero asked if there was anyone wishing to speak in opposition?

Vernon Bentley, 3450 S. Johnson Road – The boundaries were moved to the west, not to this extent, by Mayor Tully. They were moved back to the east by Mayor Mary Claire Lanser. They were brought back out to Calhoun Road by Mayor Gatzke. It has been sitting in limbo for all these years. The water situation has been handled by three Mayors, many elected officials, and people on the Utility Committee. This public hearing should have been when these extended lines were put out here. I am not in favor of it and if you will notice that most of the people that are in favor are developers. They want to develop their land to the west, and if you happen to be on the main road, you will be forced into sewer and water. I am not in favor. Thank you.

Mayor Chiovero – I want to make sure I understand. You are not in favor of the line as drawn?

Mr. Bentley – Of the extended line.

Mayor Chiovero – We are not talking about the extended line. We are talking about the blue line that goes all the way up and down the map right now.

Mr. Bentley – That is why I came up before and asked if you were talking about the

regular line or the extended line.

Mayor Chiovatero – What extended line? Are you talking about the ultimate sewer district area?

Mr. Kessler – You are talking about the ultimate planning area, right?

Mr. Bentely – Yes.

Mr. Kessler – We are trying to avoid precisely what you are having concerns with by the establishment of the blue line. The issue that you are having problems with is why we want to establish the blue line.

Mr. Bentley – So which one are we talking about?

Mr. Kessler – We are talking about the blue line.

Mr. Bentley – Is that the old sewer service?

Mr. Kessler – (Mr. Kessler referred to the map) The blue line is the new urban sewer service area line that we are establishing. It is purely a New Berlin line. These other two lines, the hatched area, and the deep green dashed line are not the subject of this public hearing. Those lines have been established, and have been established for years. What we are discussing today is the establishment of the blue urban service area line to prevent developers from requesting sanitary sewer and water expansions. We are using a land use tool to limit growth on utilities.

Mr. Bentley – Maybe I am confused about this. Maybe I should have voted on the other one. I am looking for the old line or the line that does not extend further to the west than it did before.

Mr. Kessler – (Mr. Kessler referred to the map). I think what you are referencing is the red hashed area. There is a line that is associated with that. It follows, to some extent, the blue line but deviates here. (Mr. Kessler showed the area on the map) I think that area is what you are referencing. That is the current sewer service area.

Mr. Bentley – Which one are the new developers asking for.

Mr. Kessler – There are no developers requesting anything at this point. This is something that the City has decided to establish in order to create a land use regulation to prevent sanitary sewer expansion beyond where this City is comfortable in expanding them to. At this point, what has been proposed to the Plan Commission and referred to the Plan Commission by Council, is the blue line. The property owners of everything east of the blue line could come in and request the extension of sanitary sewer and water. They would have to go through the normal boundary amendment process. Everyone that has been sent a letter is indicated by stars on the map. We are putting them on notice that we have no plans, even if a developer wants to, it is the City's position today not to

extend sanitary sewer and water beyond this blue line.

Mr. Bentley – Is this the area that needs the majority vote?

Mr. Kessler – (Mr. Kessler referred to the map) If people in this area with all the clustered stars came to the City and requested sewer be brought to them, we would have to go through the formal boundary amendment process and a six of seven super majority vote would be required to move the line.

Mr. Bentley – To me that would be the new section.

City Attorney Blum – The super majority is not on the books right now. There is nothing requiring that at this stage. Until the Council decides to create this boundary and establishes the tools and regulations for amending it, this is all conjecture at this point.

Mr. Bentley – It says it is a proposed sewer system. If that is the new proposed sewer system, that is the one that I am against. The other one is the current sewer system. That is my vote. Thank you.

Mayor Chiovatero asked three times if anyone else wished to speak in opposition, seeing none.

Mayor Chiovatero asked for comments or questions from the Plan Commissioners.

Alderman Ament – On the issue of those five possible additions to that map. The fifth one is New Berlin West. I would suggest that it not be included in this part of the decision primarily because it is outside of MMSD service area. Is that correct?

Mr. Kessler – It is out of the current sewer service area, but it is included in the ultimate planning area. It needs to go through the official boundary amendment process.

Alderman Ament – It is not that I am opposed to it, but I think it should be handled separate because of that. I think it should have its own public hearing and explanations so that people understand what the school is proposing. At this point, I don't know that they have enough information that they could say they want it. It looks like that will be their best option, but it may not be. I think for the sake of making it clearer for those people that are concerned in that area, which is in my district, I would like to see that handled separate.

Mayor Chiovatero – If we approve this and we do include New Berlin West, they still have to go through the public hearings, etc.

Alderman Ament – I know that, you know that, Greg does, the school district does, but my concern is the people around there don't fully understand that. I am just concerned about that.

Mr. Kessler – There is an agenda item later tonight that is related to this. No. 9 is related

to New Berlin West specifically. I think it will become clear to the Plan Commission in terms of the timing. I know the school district has a presentation that they would like to make. The timing of that issue and the process for that verses what we approve here are not running on the same time frame. The Plan Commission needs to understand that. Thank you, Mark for clarifying the super majority at Council. That would impact that as well.

Alderman Ament – That is why we do have it as a separate item. I don't think it should be included with this. It is the same, only different.

City Attorney Blum – The only concern with that is that if you are going to have a boundary, you have a boundary and it affects all properties within the boundary, and anyone that wants sewer is affected by that boundary. If we start having exceptions, even if it is for the school district, I think we will create a lot of additional problems for ourselves that would affect and undermine the ability to enforce this down the way. I would caution against us separating out New Berlin West. Although I understand the rational, I think they would have to be subject to the boundary just as anyone else would be. I think we need to make that clear as we go through this. The request under #9 is a separate question from what we are dealing with on the boundary issue right now.

Alderman Ament – We will see if it becomes clearer later on. I hope it does. The other thing that needs to be pointed out is that part of the reason that this even came up is that the MMSD sewer service line, as far as the City is concerned, from the future to the ultimate was changed this last year with the MMSD service area plan. The reason that this part of it came up is there was some concern and Alderman Harenda brought this forward to limit some of the potential development in that area from the standpoint of the service area and how it would affect the people that live there. If you look at the GDMP, which was passed in the 80's and updated in the early 2000's, there are things in there that say the zoning districts still control the densities and lot sizes, the sewers do not. It does have an affect on how they could develop or how those zonings could change. When you look at the GDMP, which is part of the Master Plan, under West Side Open Space, there are some key things that I would like to point out. It says, the western half of New Berlin is literally the planning frontier of the City more than any other area. How the west develops will shape the future character of our community. It goes on to say, there is a strong consensus in the community that the rural character of the area is important to the overall image and character of the City. Under Development Policies, the very first item says, public sanitary sewer service will not be extended into this area. That was one of the concerns and the reason that this was proposed. The GDMP spells out what should happen in the areas along Lincoln Avenue. It spells out how these areas should be developed, and specifically where sewers should go which is part of the reason why the map was drawn the way it was drawn. Landowners, developers, and existing residents should take that into consideration and understand that this wasn't just something that someone threw a dart at saying what should be developed with sewer and water. It is based primarily on the GDMP which is part of our Master Plan. It wasn't just something that was thought up to try to prevent development or try to stop landowners form developing. The other thing I want to make sure is clear is that how that area develops, density wise as far as what types of development, whether it is residential,

business, commercial, or industrial is determined by our Master Plan and, in particular the Zoning Districts. That would not change.

Mayor Chiovatero asked for further comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 7:10 P.M.

6:01 P.M. (4)AB R-11-08 Wyndridge – 12800 W. Janesville Rd. – Rezone from Rm-1 to Rm-1 and C-2 to Field Delineate the Wetlands.

NEW BERLIN PLAN COMMISSION

NOVEMBER 10, 2008

MINUTES

The Public Hearing relative to the request by Daniel Szczap c/o Belinski Homes for a rezoning at 12800 W. Janesville Road from Rm-1 and C-2 to Rm-1 and C-2 to Field Delineate the Wetlands was called to order by Mayor Chiovero at 7:10 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; JP Walker, City Engineer; and Mark Blum, City Attorney.

Mayor Chiovero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovero asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone who wished to speak in favor of this application, seeing none.

Mayor Chiovero asked three times if there was anyone who wished to speak in opposition of this application, seeing none.

Mayor Chiovero asked for comments or questions from the Plan Commissioners?

Alderman Ament – Is the area that is now going to be C-2 also going to carry a conservation easement?

Ms. Bennett – No. They are finished with the process. They are under construction. These apartments were approved back in 1995.

Alderman Ament – That would be part of that process?

Ms. Bennett – Correct.

Mayor Chiovatero asked for further comments or questions from the Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 7:13 P.M.

6:02 P.M. (3)JT R-12-08 Johnson Road Rezoning – Jeff Mass – 2400 S. Johnson Rd. – Rezone from A-2 and C-2 to R-1/R-2 and C-2.

NEW BERLIN PLAN COMMISSION

NOVEMBER 10, 2008

MINUTES

The public hearing relative to the request by Jeff Mass for a rezoning at 2400 S. Johnson Road from A-2 and C-2 to R-1/R-2 and C-2 was called to order by Mayor Chiovatero at 7:13 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; JP Walker, City Engineer; and Mark Blum, City Attorney.

Mayor Chiovatero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Titel gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovatero asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovatero asked three times if there was anyone who wished to speak in favor of this application, seeing none.

Mayor Chiovatero asked three times if there was anyone who wished to speak in opposition of this application, seeing none.

Mayor Chiovatero asked for comments or questions from the Plan Commissioners?

Alderman Ament – Was the area in the northern part where it is wooded checked for an environmental corridor or isolated natural resource area?

Ms. Titel – Page 22 in your staff report is an attachment that was included in the wetland report. You see data points #1 and #2 (Ms. Titel showed this area on the map) which are data points that the biologists used to determine if there were wetland characteristics, and he found none. He found no plant species or soils that had wetland characteristics. That

area was checked for wetland and primary environmental corridor. SEWRPC did not identify that area as a isolated natural resource or an environmental corridor because, I am assuming, it did not meet the minimum requirements for size or certain plant species, but SEWRPC did concur with the delineation on this property.

Alderman Ament – That is the part I missed. I see a letter from Wetland and Waterland Consultants.

Ms. Titel – Page 15 of the staff report is the concurrence letter from SEWRPC for the primary environmental corridor.

Alderman Ament – There is no mention of isolated natural resources. I assume they also checked that out.

Ms. Titel – Correct. SEWRPC did not define this as an isolated natural resource on this property.

Alderman Ament – On Page 8 and 9 in the staff report is the letter from the DNR concerning the Butler’s gartersnake. In this letter it talks about unknown areas. Can you explain to us exactly what they are driving at in this letter? It seems to be contradictory. It says things like “lack of additional known occurrences does not preclude the possibility that other endangered resources may be present.”

Ms. Titel – Some of this language is their standard language that if they came across something during construction, the DNR cannot guarantee there are no endangered species. My understanding, as it relates to the Butler’s gartersnakes are usually found around wetlands. This habitat that is on the property is the Tier 3 which is the highest value of habitat. If they maintain a 75 ft. buffer adjacent to the wetlands that is protected and not disturbed, they do not have to take any conservation measures for the snake. If they want to encroach in the 75 ft. buffer, then they need to go through all the steps to defined in #2, how to get the proper permits.

Alderman Ament – I am assuming there will be a conservation easement to cover the environmental corridor in that corner.

Ms. Titel – In places where the conservation easement does not cover the 75 ft. buffer, we will ask that it is extended so that we can be sure that a 75 ft. buffer is maintained and protected.

Mayor Chiovero asked for further comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 7:21 P.M.

6:03 P.M. (4)JT R-13-08 Small Road Office Building – 15200 and 15230 W. Small Rd. – Rezone from R-4 to O-2.

NEW BERLIN PLAN COMMISSION

NOVEMBER 10, 2008

MINUTES

The public hearing relative to the request by Dave Merrick c/o Irgens Development Partnership LLC for a rezoning at 15200 and 15230 W. Small Road from R-4 to O-2 was tabled per the applicants request.

NEW BERLIN PLAN COMMISSION

NOVEMBER 10, 2008

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 7:23 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; JP Walker, City Engineer; and Mark Blum, City Attorney.

Motion by Ms. Broge to approve the Plan Commission minutes from September 15, 2008. Seconded by Alderman Ament. Motion carries with Mr. Christel voting present.

PLAN COMMISSION SECRETARY'S REPORT - On November 5, 2008 a Comprehensive Plan Meeting was held for Neighborhood F. It was well attended. A neighborhood meeting will be held for Neighborhood E on November 19, 2008 at the New Berlin Public Library. The meeting following that will be Neighborhood C on December 3, 2008 at the New Berlin Public Library. This Wednesday will be the Steering Sub-Committee meeting held at the City Hall at 5:00 P.M.

NEW BUSINESS

1. (4)AB R-11-08 Wyndridge – 12800 W. Janesville Rd. – Rezone from Rm-1 to Rm-1 and C-2 to Field Delineate the Wetlands.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 12800 W. Janesville Road from Rm-1 to Rm-1 and C-2 to field delineate the wetlands.

Seconded by Mr. Christel. Motion carried unanimously.

2. (3)JT LD-9-08 Johnson Road Land Division (Jeff Mass/Scott Funk) – 2400 S. Johnson Rd. – Nw ¼ Sec. 8 – Three-Lot Land Division.

Motion by Mr. Sisson to table the three-lot certified survey map (CSM) for the property located at 2400 S. Johnson Road subject to the application, plans on file and the following reason:

- 1) Plan Commission will need to act on the rezoning request (under a separate application request File #: R-12-08) prior to any action on this CSM request. The applicant is required to have the updated zoning in place first.

Seconded by Alderman Ament. Motion carried unanimously.

3. (2)AB U-58-08 M & I Marshall & Ilsley – New Berlin Branch – 15450 W. National Avenue – Commercial Development.

Motion by Mr. Christel to approve the Use, Site and Architecture for construction of a bank building, including both waiver requests, to be located at 15450 W. National Avenue subject to the application, plans on file and the following conditions:

1. Waiver Request: Applicant is requesting a waiver from Section 275-57, Off-Street Parking, Loading and access, that requires one space per 150 square feet for a financial institution. See applicant's letter attached.

2. Waiver Request: Applicant is requesting a waiver from Section 275-56F(3), Minimum Required Bufferyard, that requires a 10' bufferyard from the north and south property lines. The applicant is requesting a reduced bufferyard of 5'. See applicant's letter attached.

- 1) Plan of Operation:

- a) All signage both temporary and permanent shall require a sign application, to be filed and approved by DCD prior to installation.
- b) There shall be no outdoor storage of equipment or materials related to the businesses.
- c) No overnight parking is anticipated for the parking lot areas.
- d) Dumpsters shall be located within the building and not in the parking lot.
- e) Approval of the landscaping plan and payment of all sureties and any tree replacement fees are required prior to issuance of Zoning Permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety. A registered landscape architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.

- 2) Engineering:

- a) Double inlets shall be required at low points in parking lots such as c.b. #3 and #7. Ponding shall not exceed 6" in parking areas unless storm sewer is designed for 50-year storm. Applicant shall provide storm sewer sizing calculations.
- b) A revised drainage plan shall be submitted to show the Moorland Road driveway relocation as required by Waukesha County.

- 3) Transportation:

- a) Signed copies of all County permits shall be on file with the City of New Berlin prior to issuance of any City of New Berlin permits.
 - b) There are at least 2 locations along the property line that the intensity of illumination exceeds 0.5 fc of illumination. Applicant shall revise plan to change height of luminaires and/or spacing to obtain this maximum value.
 - c) Light C-6, C-7 and C-8 appear to be in the pavement/thru lane. Relocate to the terrace area.
 - d) Applicant shall to follow National Avenue Lighting Plan. Two (2) City Standard pedestrian pole and luminaire will be required at 80-foot spacing. A letter of credit for \$12,000 shall be submitted to the City, which will used when the City's construction project takes place.
 - e) Applicant shall describe Stat Zone 1. There are no symbols on the plan.
 - f) Applicant shall maintain the sidewalk along the entire frontage of National Ave. and Moorland Rd.
 - g) Proper driveway sight distance shall be provided at both driveway locations.
 - h) Driveways on Moorland and National shall be reconstructed in accordance with City of New Berlin Standards.
- 4) Storm Water:
- a) Applicant shall provide detail of bio-filtration area.
 - b) Invert of Pipe 15 at Catch Basin 8 should be lowered to a minimum elevation of 912.90 to provide for the minimum 2 feet of cover.
 - c) If bio-filtration area gets plugged show overflow route on plans.
 - d) SWMP Maintenance Agreement is required for bio-filtration area and catch basins; City of New Berlin boilerplate agreement is available online and shall be recorded prior to issuance of the Zoning Permit.
 - e) Permission from Waukesha County is required to connect to the Storm Sewer in Moorland Road. A letter from Waukesha County shall be submitted prior to issuance of the Zoning Permit.
- 5) Building Inspections:
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Department of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) The building shall be fully accessible from the parking lot to the interior elements (Comm 63.1101 and ICC/ANSI A117.1)

- e) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
 - f) Buildings shall have designated water meter rooms. Shall not combine room with electrical service or storage.
 - g) A wrecking permit shall be required prior to demolition of the existing building.
 - h) The existing sewer and water lines shall be properly capped off prior to the wrecking of the building; this will require a plumbing permit by a licensed plumbing contractor.
 - i) Stake out survey with setbacks from lot lines shall be submitted with building permit application.
- 6) Streets and Utilities:
- a) A dedicated water meter room with exterior access shall be required.

Configurations for the facility on the site were discussed. Mr. Christel had a traffic safety concern about the access drive along the north end between the McDonalds and the current structure. He encouraged finding a better way to control the traffic along the north side of the building or removing that drive altogether.

Seconded by Mr. Felda. Motion passes with Mayor Chiovatero, Mr. Christel, Alderman Ament, Mr. Sisson, Mr. Felda, Ms. Groeschel voting Yes and Ms. Broge voting No.

4. (4)JT U-59-08 Cari & Jeret Stein – 19115 W. National Ave. – Legal Non-Conforming Single-Family Home Addition.

Application Withdrawn.

5. (5)NJ R-10-99 Honey Lane PUD – 14101 W. Howard Ave. – Extension of Ordinance #2166 Honeyager Planned Unit Development

Motion by Alderman Ament to recommend to Common Council approval of the request for a One-year extension for the “Honeyager” Planned Unit Development (Ordinance #2166), subject to the original conditions.

Seconded by Mr. Christel.

Alderman Ament asked for justification for the requested two year extension. Ms. Jones explained that the applicant requested the two years to enable him to install the roads, sewer and water in the allowable season and to wait for the economy to pick up over the next year or two.

Alderman Ament withdrew his motion for the one-year extension.

Motion by Alderman Ament to recommend to Common Council approval of the request for a Two-year extension for the “Honeyager” Planned Unit Development (Ordinance #2166), subject to the original conditions.

Seconded by Mr. Christel. Motion carried unanimously.

6. (3)AB LD-11-08 Geipel Sod Farm – 19000 W. Lincoln Ave. – Se ¼ Sec. 5 – Conceptual Four-Lot Land Division.

This item is a 4-lot land division concept for discussion purposes only. Key points of consideration included the following:

- 1) Future Land Use Map identifies the property as Shoreland Wetland Conservancy and Business Park Industrial. Single-family home development would require an appropriate Future Land Use category.
- 2) Typically, residential areas west of Calhoun Road have had an R-1/R-2 Zoning District (Country Residential). Proposed Land Division would require rezoning to R-4, Low Density Single-Family Residential District, to accommodate the given lot sizes shown on the concept plan.
- 3) Proposed lot configuration is not ideal based on the following:
 - a) Local streets open at one end only shall end with a cul-de-sac. Cul-de-sacs are required at the end of Rogers Dr. and Westward Dr. Under the Subdivision Code §235-23K, permanent dead-end streets are prohibited.
 - b) Under Section 235-26A, all lots shall abut on and have access to a public street meeting minimum zoning requirements.
 - c) Under Section 235-26B, grading shall be done in a manner to preserve existing topography wherever practicable and create a grading relationship to avoid unsightly siting of homes and driveways in relationship to the established street grade and adjoining structures.
 - d) Under Section 235-26E, flag or panhandle lots are prohibited in the City of New Berlin.

Alderman Ament stated that he could not approve the plan as shown because of use and lot size. The barriers for that specific area are discussed in the GDMP and identifies it as part of the industrial park. The GDMP also states that potential uses along this corridor could include uses needing rail access. Alderman Ament preferred that the use comply with the recommended use stated in the Master Plan and GDMP. If this specific parcel would be considered for residential, Alderman Ament could not support R-4 Zoning. If it were to be residential, it would have to be zoned R-1/ R-2. If it did become residential, Development Policies specifically call for a maximum allowable gross density of one dwelling unit per five acres. The parcel is too small for a conservation subdivision, so it would have to be five acre lots. There is only one lot on the preliminary CSM that would meet that lot size requirement. It would be difficult to configure the roads to match up with Westward Drive and Rogers Drive while accommodating five acres lots.

Mayor Chiovero was also concerned about the future of Westward Drive. The pipe line easement and sanitary sewer easement also makes this property difficult to configure.

Ms. Groeschel wondered if when the sanitary sewer was laid out, if a plan was anticipated and what the plan was for Westward Drive. Representative of the project, Mike Losik explained the basis of the lot layout was to deal with the existing sanitary easement and wetland on the property. He said the sanitary sewer on the property reaches Rogers Drive and it was probably intended to have lots on each side. Mr. Losik, referring to the map on display, described where wetlands were discovered and showed where streets and development were excluded because of it. He said four building sites were found of at least an acre to an acre and a half in size and showed the lot and road layout and access points on the map.

There were no further questions or comments from the Plan Commissioners.

7. ()GK PG-741 Zoning Ordinance Revisions – Maximum Height for Hotels and Motels. (Public Hearing 9/15/08)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the updates as proposed by the City Attorney below to the current sections of the New Berlin Municipal Code Chapter 275-34 (D)(3) related to Hotel Height.

- 1) July 31, 2007 letter from City Attorney Mark Blum providing a suggested modification to this code section to enhance clarity.
- 2) The code section currently states: “Hotels and motels may exceed the maximum height Requirement of five floors (55 feet) with each underground parking floor provided. A credit of one hotel floor may be granted, with a maximum of a two-floor credit, for each level of underground parking or for the dedication of permanent open space adjacent to surface parking or the hotel structure in the amount of two times the square footage of the floor added”.
- 3) The City Attorney’s suggested modification reads: “Hotels and motels may exceed the maximum height requirement of five floors if the eligibility for a height credit are satisfied as set forth herein. A credit of one hotel floor may be granted for each level of underground parking and / or for the dedication of permanent open space in an amount of not less than two times the square footage of the floor space added. In no event shall a credit be granted in excess of two floors. Lands which are designated as environmental corridors, isolated natural resource areas or conservancy land shall not be eligible for purposes of calculating the credits set forth herein”.

- 4) The current code could be interpreted to read that for each underground floor of underground parking, an applicant could receive a two-floor above ground credit for each of those below grade levels seemingly reaching to a more generous / unlimited credit above and beyond two floors.

Seconded by Mr. Christel. Motion passes with Mayor Chiovatero, Mr. Christel, Mr. Sisson, Mr. Felda, Ms. Broge, Ms. Groeschel voting Yes, and Alderman Ament voting No.

8. ()GK/NJ PG-969 FEMA Floodplain Map Modernization 2007. (Public Hearing 9/15/08)

Motion by Mr. Christel to recommend Common Council adoption of an ordinance that approves the modifications to the National Flood Insurance Program (NFIP) regulations regarding the new FEMA adopted base flood elevation maps and Flood Insurance Study and amend and rezone the City of New Berlin zoning map to correctly identify the floodplain.

Seconded by Mr. Sisson. Motion carried unanimously.

9. (7)GK PG-946 Sewer Service Area Amendments. – New Berlin West High School, 18695 W. Cleveland Avenue.

Dr. Paul Kreutzer, District School Superintendent gave a brief presentation stressing the importance of this issue to the New Berlin Public Schools and the broader community as a whole. Doug Nelson from Ruckert & Mielke spoke about future plans and expectations and showed their conceptual plans for hooking up to sewer.

Alderman Ament was concerned about the conveyance system from approximately where it ends now down to 124th Street. Previous studies from R.A. Smith showed that our conveyance system could not handle the additional flow and he wondered if this has been resolved.

Mr. Nelson said the study was done in 2005 by R. A. Smith and found that there are limited capacity in some down stream areas. Since that time there has been a significant amount of work done on the sewers and we are in the process of relooking at what the capacity of those sewers are. MMSD provided information that showed there appears to be capacity.

Mr. Kreutzer said that in order to lower the impact to everyone in the community, the school district is willing to have Ruckert-Mielke do a study to find out what impact their flows would have on the current city system and is willing to pay for, at our school district expense, a second opinion chosen by the City to do review on that report.

Discussion continued concerning time lines, design, and maintenance.

Motion by Mr. Sisson to recommend to the Common Council that they direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process for the property located at 18695 W. Cleveland Avenue and hold a public hearing for said amendment on January 5, 2009 before the Plan Commission.

Seconded by Mr. Felda. Motion carried unanimously.

COMMUNICATIONS

10. Communication To: Plan Commission
Communication From: Jessica Titel, Associate Planner
RE: Revised Light Fixtures for New Berlin Fire Station #3. (U-42-08)

Based on budget constraints, the Plan Commission supported the revised light fixtures for New Berlin Fire Station #3.

11. Communication To: Plan Commission
Communication From: Amy Bennett, Associate Planner
RE: Parade of Homes 2008 (PG-818)

Ms. Bennett gave a brief report on the new trends presented at the 2008 Parade of Homes. She mentioned the use of cluster development, no lack of amenities but smaller lots and homes, unfinished basements, and the use of impervious concrete on driveways.

12. Communication To: Plan Commission
Communication From: Gregory Kessler, Director of Community Development
RE: 2009 Plan Commission Meeting Dates (PG-790)

Pending the September 14, 2009 meeting date, Plan Commissioners accepted the calendar as presented.

13. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Zoning Code Update Memo (PG-741)

Plan Commissioners were encouraged to submit suggested Zoning & Development Code updates on or before January 5, 2009.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 9:18 P.M.
Seconded by Mr. Christel. Motion carried unanimously.