

**Common Council Minutes
February 15, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Thursday, February 15, 2001, at the New Berlin City Hall at 8:16 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovero, and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Director of Community Development Greg Kessler, Director of Planning Mark Lake, Utility Operations Manager Tom Krumplitsch, and Utility Control System Technician Mark Welch.

Clerk's Report

City Clerk Weter gave a Clerk's Report

Council President's Report - No Report

Mayor's Report

State of the City Address

Mayor Gatzke gave a State of the City Address.

City Attorney's Report - No Report

COMMUNICATIONS

Communication from Attorney T. Michael Schober re: Midwest Power - on File in Clerk's Office

Notice of Claim - Thomas and Vicki Schamens - to City Attorney

Notice of Claim - Robert & Christi Sperka - to City Attorney

Notice of Amended Summons and Amended Complaint - Hales Corners Lutheran Church - to City Attorney

Communication from Customer Service Committee re: City Hall Evening Hours - on File in Clerk's Office

PLAN COMMISSION

Alderman Kaminski reported from the meeting held on February 5, 2001:

Super Products - 17000 W. Cleveland Avenue - Rezone from C-1 to M-1 for Building Addition

Motion by Alderman Kaminski to approve the request by Super Products to rezone the property located at 17000 W. Cleveland Avenue from C-1 to M-1 subject to:

- 1) Plat of Survey required showing all C-1 areas on property prior to signing of this ordinance.

Seconded by Alderman Wilkens.

A Public Hearing was scheduled for March 13, 2000 at 7:01 p.m.

National Manor Senior Apartments - 3360 S. Sunnyslope Road - NW 1/4 Sec. 13 - Preliminary and Final Land Division

Motion by Alderman Kaminski to approve the Preliminary and Final Two-Lot Land Division for National Manor Senior Apartments, located at 3360 S. Sunny Slope Rd., NW 1/4 Sec. 13, subject to the following:

- 1) Detail at the end of Foxwood Drive includes a 1.00' gap. Gap shall be removed as part of CSM - 3-Lot CSM.
- 2) Submittal of revised National Manor Preliminary Plat matching road alignment required prior to signing of CSM. Revised Preliminary Plat should also exclude outlots 1 and 2 of this CSM.
- 3) Clean up drafting errors; provide detail of O.L. 1, and tie all wetland lines to L9, L22, and L7. Clean up Jewel Osco parcels, Outlot 1 of Highpoint third addition now owned and developed. Lot 2 CSM #7299 should include unplatted lands. Change Plan Commission Approval date to 2001. Change Losik & Associates phone number to (262) from (414). Revision dates required.
- 4) All owners to sign prior to the City of New Berlin signing the Final CSM.
- 5) Payment of \$2,000 in Public Site, Open Space, and Trail Fees required prior to the City signing the Final CSM.
- 6) Two tangents have less than the minimum required length of 100' - Line 11 and Line 12. Fix tangents on face of CSM prior to City signing the final CSM.
- 7) Developer's Agreement needs to be reviewed and approved by the City Engineer, Board of Public Works, and Common Council prior to City signing the Final CSM.
- 8) Basin NB9 sanitary sewer capacity allocation required. Allocation shall be based on the project's own merits and shall not restrict development in other areas of the City of New Berlin. Approval of sewer service by MMSD must be in a form satisfactory to the City of New Berlin.

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

The Preserve at Weatherstone Meadows - 4177 S. Sunnyslope Road- Revised PUD and Site Plan

Motion by Alderman Kaminski to approve the Revised PUD and Site Plan for The Preserve at Weatherstone Meadows, located at 4177 S. Sunnyslope Rd., subject to the following:

- 1) Alternative #2 shall be the preferred plan.
- 2) Approval of the PUD document prior to cleaning, grubbing, and grading.
- 1) Revised Grading Plan showing phasing of modified plan required. Grading Plan to be reviewed and approved by the Engineering Department.
- 2) Buildings to be located a minimum of 10 feet from any field delineated wetland boundary.
- 3) Sewer and water plans to be approved by all regulating authorities.
- 4) Revised detailed road/infrastructure plans to be reviewed and approved by the Engineering Department.
- 5) Revised Developer's Agreement for all utilities and infrastructure improvements to be approved by the Board of Public Works and Common Council prior to permits being issued.

- 6) Buildings must meet all applicable building and fire codes.
 - 7) Adherence to §17.1308(10) Woodland Preservation required.
 - 8) Entrance monumentation plan required. Signage requires a separate application and permit prior to construction.
 - 9) Trail system to be reviewed and approved by the Park & Rec Department prior to construction.
 - 10) Payment of \$1,000/building in Public Site, Open Space and Trail Fees required prior to building permits being issued.
 - 11) Must meet conditions of Stormwater Ordinance.
- Second by Alderman Bullermann.

Motion by Alderman Wilkens to allow Dean Frederick to address the Council. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Bullermann to end debate. Seconded by Alderman Patzer and carried unanimously.

Upon voting, the motion carried with Alderman Scheuble voting "no".

Anders Lewis - 2880 S. Amor Drive - SW1/4 Sec 7 - Two Lot Preliminary Land Division

Motion by Alderman Kaminski to approve the Anders Lewis request for a Two-Lot Preliminary Land Division, to be located at 2880 S. Amor, Sw 1/4 Sec. 7, subject to the following:

- 1) Per Section 17.0306(8) of the New Berlin Zoning Ordinance, no more than 20,000 square feet of natural vegetation may be removed or disturbed from a five acre parcel, to accommodate the principal dwelling, accessory structure, driveway, well, and septic field. Applicant shall minimize the extent of encroachment on the woodland.
- 2) All remaining C-1/Upland Conservancy Lands need to be shown on the face of CSM and deed restricted and filed with the Waukesha County Register of Deeds Office.
- 3) Per § 17.0306 (4) minimum lot width shall be 200'.
- 4) Existing well and septic field locations to be placed on Final CSM.
- 5) Public Site and Trail Fees of \$2,137.60 required prior to the City of New Berlin signing the Final CSM.
- 6) Owner and Surveyor required to sign prior to the City signing the Final CSM.

City Attorney Reilly noted that the Road Reservation is pursuant to 80.01(5) Wisconsin Statutes.

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

New Berlin School District - 5900 S. Sunnyslope Rd. - Rezone from R-3 to I-1 Institutional/Elmwood School Replacement

Motion by Alderman Kaminski to approve the Rezoning from R-3 to I-1 Institutional/Elmwood School Replacement for New Berlin School District, 5900 S. Sunnyslope Rd., subject to the following:

- 1) Use, Site and Architectural approval required for any site development.
- 2) Permits are required from the Building, Inspection, and Zoning Department for all construction.
- 3) Building shall meet all applicable building and fire codes.

- 4) Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.
Seconded by Alderman Chiovatero.

A Public Hearing was scheduled for March 13, 2001 at 7:00 p.m.

New Berlin City Center Development - Sw 1/4 Sec. 14 - 15051 W. National Ave. - Multi-Lot Preliminary Land Division

a) CSM #1

Motion by Alderman Kaminski to recommend to Council approval of the New Berlin City Center Development - Sw 1/4 Sec. 14 - 15051 W. National Ave., CSM #1, subject to the following:

- 1) Payment of \$960.00 in outstanding application fees required for CSM #1.
 - 2) Remove "Public St" stubs. Divide lots between adjacent lots of CSM#2. Final CSM to include cross easements for all adjacent or adjoining properties between Parcel 1 on CSM #3 and Coffee Street.
 - 3) Location of proposed Coffee Street/Howard Ave extended requires WDNR/ACOE approval. Wetland Permit required prior to signing Final CSM.
 - 4) Vision corner easements required on all intersections.
 - 5) Length bearing and tie to all easements (public and private) and wetlands required.
 - 6) CSM shall include the metes and bounds descriptions of all wetlands
 - 7) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
 - 8) Sewer and water plans to be approved by all regulating authorities.
 - 9) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final CSM's.
 - 10) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing unless waived by the City Engineer.
 - 11) An approved Erosion Control Plan and deposit is required prior to clearing, grubbing or grading.
 - 12) Access permits required from the City of New Berlin Engineering Department for the extension of Howard Avenue and Wilbur Drive.
 - 13) Access permits required from the Waukesha County Department of Transportation for the connection to National Avenue.
 - 14) All buildings along Tesch Road are to be razed, razing permits are required.
 - 15) CSM #1 shall be recorded prior to CSM #2 which shall be recorded prior to CSM #3.
 - 16) All owners to sign prior to City signing Final CSM.
- Seconded by Alderman Patzer.

b) CSM #2

Motion by Alderman Kaminski to recommend to Council approval of the New Berlin City Center Development - Sw 1/4 Sec. 14 - 15051 W. National Ave., CSM #2, subject to the following:

- 1) Payment of \$1125.00 in outstanding application fees required for CSM #2.

- 2) Remove "Public St" stubs. Divide lots between lots of 2, 3, and 4. Final CSM to include cross easements for all adjacent or adjoining properties between Parcel 1 on CSM #3 and Coffee St.
 - 3) Location of proposed Coffee Street extended requires WDNR/ACOE approval. Wetland Permits required prior to signing Final CSM.
 - 4) Vision corner easements required on all intersections.
 - 5) Length bearing and tie to all easements (public and private) and wetlands required.
 - 6) CSM shall include the metes and bounds descriptions of all wetlands
 - 7) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
 - 8) Sewer and water plans to be approved by all regulating authorities.
 - 9) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final CSM's.
 - 10) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing unless waived by the City Engineer.
 - 11) An approved Erosion Control Plan and deposit is required prior to clearing, grubbing or grading.
 - 12) CSM #1 shall be recorded prior to CSM #2 which shall be recorded prior to CSM #3.
 - 13) All owners to sign prior to City signing Final CSM.
- Seconded by Alderman Patzer.

c) CSM #3

Motion by Alderman Kaminski to recommend to Council approval of the New Berlin City Center Development - Sw 1/4 Sec. 14 - 15051 W. National Ave. CSM #3, subject to the following:

- 1) Payment of \$1125.00 in outstanding application fees required for CSM #3.
- 2) Location of proposed Wilbur Drive extended requires WDMR/ACOE approval. Wetland Permit required prior to signing Final CSM.
- 3) Vision corner easements required on all intersections.
- 4) Length bearing and tie to all easements (public and private) and wetlands required.
- 5) CSM shall include the metes and bounds descriptions of all wetlands
- 6) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
- 7) Sewer and water plans to be approved by all regulating authorities.
- 8) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final CSM's.
- 9) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing unless waived by the City Engineer.

- 10) An approved Erosion Control Plan and deposit is required prior to clearing, grubbing or grading.
- 11) Access permits required from the City of New Berlin Engineering Department for the extension of Howard Avenue and Wilbur Drive.
- 12) CSM #1 shall be recorded prior to CSM #2 which shall be recorded prior to CSM #3.
- 13) All owners to sign prior to City signing Final CSM.
Seconded by Alderman Patzer.

Motion by Alderman Scheuble to allow Steve Stewart with the developer, Realcap Properties, to address the Council. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Kaminski to allow John McCardle from Sigma Development to address the Council. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Scheuble to defer this item. Seconded by Alderman Wysocki. Upon voting, the motion failed with Aldermen Bullermann, Wysocki and Scheuble voting "yes".

Motion by Alderman Bullermann to refer this item back to the Plan Commission. Seconded by Alderman Patzer and carried unanimously. Alderman Kaminski then reported from the meeting held on February 12, 2001:

Voice Stream Wireless - 12695 W. National Ave. - Proposed Stealth Flagpole - 80' for Use as a Cellular Facility - Conditional Use

Motion by Alderman Kaminski to approve the request by Voice Stream Wireless for an 80' stealth telecommunications antenna and equipment cabinet located at 12695 W. National Avenue subject to:

- 1) Siting of antenna to follow §17.0503(2) of the City of New Berlin Municipal Code.
- 2) Per §17.0503(3), if it has been determined that existing or future/new antennas have the ability to be engineered or oriented which, renders this site obsolete, antenna shall be removed within 60 days of becoming operational. Voicestream coverage diagrams to be submitted for each additional Voicestream use application to verify coverage. If the City of New Berlin has determined that by siting of a new tower in the relative vicinity of stealth antenna, the coverage area of the antenna has been duplicated, the 80' stealth tower shall be removed and equipment relocated to the new tower. A bond covering the cost of removal and restoration of site shall be on file prior to Building Permit being issued.
- 3) Antenna to be located to minimize visual impact at the ROW. All practical alternatives should be explored and should include, but not be limited to:
 - a) Below ground vaults for equipment.
 - b) Siting at or near the rear property line out of the public view.
 - c) Landscaping (including berming) to reduce the visual impact of ground equipment.
- 4) Ultimate location to be reviewed and approved by the Department of Community Development prior to building permit submission.

- 5) Landscaping to be installed by May 31, 2001.
- 6) Enclosure shall be made of similar materials as the principle structure. Review and approval of enclosure by the Architectural Control Committee required.
- 7) Antenna shall be painted to reduce its visual impact. Review and approval of antenna painting scheme by the Architectural Control Committee required.
- 8) No flag allowed, Plan Commission reserves the right to modify plan to include a flag, or by other means, to reduce impacts in the future.

Seconded by Alderman Chiovatero.

Motion by Alderman Wysocki to allow the applicant to address the Council. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Scheuble to amend the motion to remove Condition No. 8 and place a flag on the pole. Seconded by Alderman Wilkens and carried unanimously.

Friendly amendment that the location of the antenna is to be determined by staff, as far off of National Avenue as possible as grade allows.

Upon voting on the motion as amended, the motion carried with Alderman Patzer voting "no".

Auto Body Care - 2730 S. Sunnyslope Rd. - Automotive Spray Booth - Conditional Use

Motion by Alderman Kaminski to approve the request by Auto Body Care for an automotive spray booth located at 2730 S. Sunnyslope Road subject to:

- 1) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
- 2) Building must meet all applicable building and fire codes. Building and booth must be fully sprinklered.
- 3) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 4) Building plans must be stamped by a Wisconsin registered architect or professional engineer prior to issuance of a Building Permit.
- 5) Applicant will be required to clean up the property and remove car parts and scraps visible to the public.

Seconded by Alderman Wysocki and carried unanimously.

Revisions to Chapter 17 & 18

Motion by Alderman Kaminski to approve and adopt the updated/revised City of New Berlin Chapter 17 (Zoning Ordinance) and Chapter 18 (Development Ordinance), its design standards and guidelines, subject to the plans on file and the following:

- 1) Consultants shall make all formatting changes and the formatting should be identical in both Chapter 17 (Zoning Ordinance) and Chapter 18 (Development Ordinance).
- 2) Consultants shall list all necessary definitions and include any additional definitions that have been requested by staff. All definition should appear in both Chapter 17 and Chapter 18.

- 3) Consultants shall address all unanswered staff questions and concerns that are highlighted within the documents.
 - 4) Consultants shall include all references within the document, and be consistent with the references and titles used throughout both documents.
 - 5) Consultants shall refer to The City of Muskego, WI Durham Hill Design Guidelines when defining Rural Commercial Guidelines.
 - 6) Consultants shall review revised sign portion for legality and make any necessary changes.
- Seconded by Alderman Wilkens.

A Public Hearing is scheduled for February 27, 2001 at 7:01 p.m.

Motion by Alderman Patzer to end debate. Seconded by Alderman Bullermann and carried with Alderman Wilkens voting present.

BOARD OF PUBLIC WORKS

Alderman Patzer reported from the meeting held on February 5, 2001:

Relocation Order - National Avenue Side Paths - Phase II/Resolution No. 01-07

Motion by Alderman Patzer to approve the filing of a relocation order with Waukesha County with sources of funds coming from 2001 Capital Improvement Budget - National Avenue Side Paths/Utility Burial, and to approve and adopt Resolution No. 01-07. Seconded by Alderman Bullermann and carried unanimously.

Contract K-320;Deer Creek Interceptor Sewer Construction

Motion by Alderman Patzer to award Contract K-329 to the apparent low bidder, United Sewer & Water, Inc., Menomonee Falls, WI, in the unit price total of \$893,706.00, and to waive any irregularities in their bid. Seconded by Alderman Wysocki

Friendly amendment that funding is to come from the 2001 CIP Sewer Budget.

Upon voting, the motion carried unanimously.

STORM WATER COMMITTEE - No Report

UTILITY COMMITTEE

Alderman Wysocki reported from the Meeting held on February 6, 2001:

Revision of Water/Wastewater Billing Format

Motion by Alderman Wysocki that the Utility billing format be changed to the 8 ½ x 11 forms and that the printing and mailing be handled by an outside source if the Utility and City staff is unable to process. Seconded by Alderman Patzer and carried with Alderman Kaminski voting "no".

SCADA Upgrade

Motion by Alderman Wysocki that the proposal to perform the required SCADA replacement for the Water and Sewer Utilities be accepted from Ruekert & Mielke on a time and material cost basis with the cost not to exceed \$188,500, with the additional funding requirement coming from impact fees beyond the budgeted amount.

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

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

TECHNOLOGY COMMITTEE - No Report

ETHICS BOARD

Fact Finding Trips Policy

Motion by Alderman Wilkens to adopt the Fact Finding Trips Policy as recommended by the Ethics Board at their meeting held on January 30, 2001. Seconded by Alderman Bullermann and carried unanimously.

MAYORAL APPOINTMENTS

Youth Advisory Board

Motion by Alderman Kaminski to reappoint Maja Middle to the Youth Advisory Board, with an expiration date of February 5, 2003. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Kaminski to appoint Megan Mozina to the Youth Advisory Board, with an expiration date of February 5, 2002. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Kaminski to appoint Dean R. Patzer to the Youth Advisory Board, with an expiration date of February 5, 2002. Seconded by Alderman Bullermann and carried with Alderman Patzer voting present.

Motion by Alderman Kaminski to appoint Michael Reeves, Larry Wright, Ashley Stocks, Jordan Koscielniak, Nicole Serkowski, Casie Walsh, and Karston Huttelmaier to the Youth Advisory Board, all with an expiration date of February 5, 2003. Seconded by Alderman Bullermann and carried unanimously.

ACTION ON PUBLIC HEARINGS

Establishment of a Storm Water Utility/Ordinance No. 2133

City Clerk Weter gave the first reading of Ordinance No. 2133.

REFERRALS, DEFERRALS AND TABLED ITEMS/None

CONSENT AGENDA

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

MINUTES

Minutes of the Common Council Meeting held on January 23, 2001

Minutes of the Public Hearing re: Establishment of a Storm Water Utility held on January 30, 2001

UTILITY & FINANCE

Claims

Approve payment of Sewer Utility Claims in the amount of \$50,169.16, Water Utility Claims in the amount of \$89,323.37, and Bi-weekly claims in the amount of \$708,340.65, all of which represents payments to vendors.

LICENSES

Bartender Licenses

Approve a 6-month Bartender License to Kevin A. Schneck, to expire on August 14, 2001. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2002.

Approve the Bartender Licenses for the year 2000-2002 to Margarita Y. Balsover, Roslyn A. Calloway, Jackie L. Moller, Holly A. Ochs, Gary D. Peterson, Dawn M. Reimesch, Rita C. Roberts, and Lee Alan Sandblom.

MISCELLANEOUS

Comm 10 Wisconsin Administrative Code Local Program Operator Contract

Approve the Comm 10 Wisconsin Administrative Code Local Program Operator Contract.

Outdoor Music - St. Elizabeth Ann Seton Parish Church Festival

Allow bands playing at the St. Elizabeth Ann Seton Church Festival to perform until 11 p.m. on Friday and Saturday, July 20 & 21, 2001, and until 7 p.m. on Sunday, July 22, 2001.

LICENSES

Appeal to Denial of Bartender's License

Motion by Alderman Scheuble to approve a 6-month Bartender License to Timothy J. Mehring, to expire on August 14, 2001. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2002. Seconded by Alderman Wilkens and carried with Alderman Wysocki voting "no".

MISCELLANEOUS

Council Rule 11 Amendment - Limitation of Debate

Motion by Alderman Bullermann to revise Common Council Rule 11 as follows: (note: changes are underscored) "A member called to order shall not be allowed to proceed until the question of order is decided. Any member may speak twice on the question and twice on any amendment to the question, to a maximum of 10 minute length intervals.

Any Alderman may request a waiver from this Council Rule at any time during presentation. This will require a simple majority vote. Sunset after 1 year." Seconded by Alderman Patzer and carried with Aldermen Wysocki and Patzer voting "no".

Channel 25 Postings

Motion by Alderman Wysocki to amend the policy adopted May 23, 2000 for Posting Items at City Hall to include posting items on Channel 25. Seconded by Alderman Wilkens and carried with Alderman Scheuble voting "no".

RESOLUTIONS AND ORDINANCES

Resolution No. 01-05 "A Resolution Amending the 2001 City of New Berlin Operational Budget Regarding Fire Department"

Motion by Alderman Wilkens to approve and adopt Resolution No. 01-05. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting "no".

Resolution No. 01-06 “A Resolution for Inclusion Under the State of Wisconsin Deferred Compensation Plan”

Motion by Alderman Chiovatero to approve and adopt Resolution No. 01-06. Seconded by Alderman Wilkens.

Motion by Alderman Wysocki to defer this item. Seconded by Alderman Bullermann and carried unanimously.

Ordinance No. 2129 “Ordinance Creating Section 9.275 and Amending Section 25.04 of the City of New Berlin Municipal Code Prohibiting Possession of Ignition Devices on School Premises and Setting of the Cash Deposit for Violation of Section 9.275” (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2129.

Motion by Alderman Kaminski to approve and adopt Ordinance No. 2129. Seconded by Alderman Wilkens and carried with Aldermen Wysocki and Scheuble voting “no”.

Ordinance No. 2130 “Ordinance Creating Section 1.06(2) and Amending Section 1.06 of the City of New Berlin Municipal Code regarding Salaries and Compensation of Elected Officers” (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2130.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2130. Seconded by Alderman Kaminski and carried with Alderman Wysocki voting “no”.

Ordinance No. 2132 “The ProHealth Care, Inc. Planned Unit Development Overlay District”

City Clerk Weter gave the only necessary reading of Ordinance No. 2132.

Motion by Alderman Kaminski to approve and adopt Ordinance No. 2132. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wysocki to move into Closed Session. Seconded by Alderman Kaminski. Upon voting, Alderman Bullermann voted “yes”, Alderman Wysocki voted “yes”, Alderman Patzer voted “yes”, Alderman Scheuble voted “yes”, Alderman Wilkens voted “yes”, Alderman Chiovatero voted “yes”, and Alderman Kaminski voted “yes”.

CLOSED SESSION

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

- (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 is or likely to become involved.

- David Breese Claim -

- Discussion re: City of Waukesha Request to Intervene in EPA Issue -

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

OPEN SESSION

Possible Action on City of Waukesha request to Intervene in EPA Issue

Motion by Alderman Wilkens to intervene in the EPA issue. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting “no”.

Motion by Alderman Wilkens to adjourn the meeting at 12:53 a.m. Seconded by Alderman Kaminski and carried unanimously.

**Judy Weter
City Clerk**

JW/nh