

# **Minutes**

## **Common Council Minutes**

**February 22, 2000**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 22, 2000, at the New Berlin City Hall at 10:02 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Asst. Director of Planning Mark Lake, Associate Planner Greg Kessler, City Engineer Jeff Chase, Division Engineer Mark Handzlik, Division Engineer John Graber, Director of Human Resources Tami Potkay, and Human Resources Secretary Pat Herrmann.

### **PLAN COMMISSION**

Reconsideration of 2000 Capital Improvement Budget Amendment/Natural Gas Fueling Station/No Action

### **BOARD OF PUBLIC WORKS**

Alderman Wysocki reported from the meeting held this evening:

Sanitary Sewer and Water Main Installation Agreement - Wisconsin Corporate Credit Union

Motion by Alderman Wysocki to recommend to Council approval of the Installation Agreement subject to review as to form and content by the City Attorney. Seconded by Alderman Patzer and carried unanimously.

### **Johnson Road Sewer Extension**

Motion by Alderman Wysocki to recommend to Council to authorize and direct the City Engineer to enter into an agreement with Ruekert & Mielke to design and expedite the Johnson Road Sanitary Sewer Extension from the north side of Greenfield Avenue to Mr. Robert Dugan's property in the City of New Berlin, at a cost not to exceed \$6,700, which all costs will be paid in full by Mr. Dugan and reimbursed to Account No. 511.211. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

### **LANDMARKS COMMISSION**

Alderman Chiovatero reported from the meeting held on February 15, 2000:

### **Designation of Linnie Lac Dam and Lake Site**

Motion by Alderman Chiovatero to recommend to Council the designation of the Linnie Lac Dam and Lake Site, formerly known as Hale's Mill Pond and Dam, as a City Landmark, because it meets various criteria in Section 14.53 of our Landmark Ordinance. Seconded by Alderman Wilkens and carried unanimously.

### **Clerk's Report**

City Clerk Weter gave a Clerk's Report.

## **Council President's Report**

Council President Wilkens gave a Council President's Report.

## **Mayor's Report**

Mayor Gatzke gave a Mayor's Report, including his State of the City address.

## **City Attorney's Report**

City Attorney Reilly gave a City Attorney's Report.

## **MINUTES**

Motion by Alderman Scheuble to recommend to Council approval of the Minutes of the Common Council Meeting held on January 11, 2000. Seconded by Alderman Wilkens and carried unanimously.

Approval of Minutes of Common Council Meeting of February 8, 2000 - HOLD

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Public Hearing held on February 8, 2000 re: Jacobs Ridge Rezoning. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Public Hearing held on February 8, 2000 re: D. C. Investments Rezoning. Seconded by Alderman Bullermann and carried unanimously.

## **COMMUNICATIONS:**

Communication from Waukesha County Municipal Executives re: Lobbying Plan for 2000 - On File in Clerk's Office

Communication to Council from United States Conference of Mayors re: President's FY 2001 Budget - On File in Clerk's Office

Communication from Ecology Association of New Berlin re: Proposed Freeze on Development

Motion by Alderman Scheuble to direct that the Mayor read this communication. Seconded by Alderman Patzer. Upon voting, the motion failed with Aldermen Scheuble and Kaminski voting "yes.

This item will be on File in Clerk's Office.

Burgraff Stipulation - On File in Clerk's Office

**UTILITY COMMITTEE/No Report**

**MAYORAL APPOINTMENTS/None**

**ACTION ON PUBLIC HEARINGS/None**

**SAFETY COMMISSION/No Report**

**CIVIL SERVICE COMMISSION**

2000 Salary Ranges

This item will be discussed in Closed Session.

**REFERRALS, DEFERRALS, AND TABLED ITEMS**

1. Ad Hoc Policy Committee: Enclosed Storm Drainage Projects; Engineer Grading Guidelines; Amendments to Update Policies - TABLED 9-14-99 - No Report
2. Reconsideration Request from Alderman Scheuble/Adoption of Storm Water Master Management Plan - DEFERRED 2-08-00

Motion on the Floor: Motion by Alderman Wysocki to recommend to Council to approve the adoption of the revised draft Storm Water Master Management Plan for the City of New Berlin dated April of 1999, subsequent additions prepared for the City of New Berlin and Wisconsin Department of Resources by Camp, Dresser & McKee Inc. Seconded by Alderman Bullermann.

Motion by Alderman Scheuble to amend the motion and amend the Storm Water Master Management Plan to recognize Linnie Lac as a regional stormwater facility. Seconded by Alderman Patzer.

Motion by Alderman Wilkens to send this item to the Stormwater Management Committee. Seconded by Alderman Kaminski.

Alderman Wilkens withdrew his motion.

Motion by Alderman Bullermann to end debate. Seconded by Alderman Wilkens and carried with Aldermen Wysocki and Scheuble voting "no".

Upon voting on the amendment, the motion failed with Aldermen Scheuble voting "yes".

Upon voting on the original motion, the motion carried unanimously.

**Safety Commission/No Parking - Coachlight Drive and Carriage Lane - TABLED 1-25-00 - No Report**

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

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

**UTILITY**

Claims

Motion by Alderman Patzer to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$39,650.95, and Water Utility Claims in the amount of \$375,914.53, all of which represents payments to vendors. Seconded by Alderman Wysocki and carried unanimously.

**LICENSES**

## **Bartender Licenses**

Motion by Alderman Wysocki to recommend to Council approval of the Bartender License for the year 1998-2000 to Karen M. Davis, JoAnna L. Tramm and Sara M. Trampf. Seconded by Alderman Bullermann and carried unanimously.

## **Rubbish Collection License**

Motion by Alderman Bullermann to recommend to Council approval of the Rubbish Collection License for the year 2000 to Best Disposal Inc./William Katzman, President. Seconded by Alderman Patzer and carried unanimously.

## **MISCELLANEOUS**

### **Appointments to Youth Advisory Board**

Motion by Alderman Wysocki to recommend to Council that the below identified 16 individuals be approved as the Charter City of New Berlin Youth Advisory Board for the terms specified, and that they be given the charge of making recommendations on all matters involving youth, their role, and their place in the City of New Berlin:

Nominated by Alderman Thomas Bullermann

Maja Middleton - 1 Year

Adam Arman - 2 Years

Nominated by Alderman Telesfore Wysocki

Dean Zieminski - 1 Year

Megan Rozman - 2 Years

Nominated by Alderman David Patzer

Larry A. Kilmer II - 1 Year

Kassie Liebsch - 2 Years

Nominated by Alderman Paul Scheuble

Nick Nagi - 1 Year

Charlie Kleczka - 2 Years

Nominated by Council President Rush Wilkens

Andy Reithel - 1 Year

Carrie Gonlag - 2 Years

Nominated by Alderman Jack Chiovatero

Matt Jaques - 1 Year

Greg Bybee - 2 Years

Nominated by Alderman Lizbeth Kaminski

J.R. Graedel - 1 Year

Michael Moths - 2 Years

Nominated by Mayor James Gatzke

Darrin Ferguson - 1 Year

Cody Alf - 2 Years

Seconded by Alderman Bullermann and carried unanimously.

### **Jurisdiction Over Quarry Reclamation**

Motion by Alderman Kaminski to recommend to Council to direct the City Attorney to formally look into what jurisdiction the City has over quarry reclamation in our municipality, specifically the type of fill allowed and nuisance control. The City Attorney is to report back at the next Common Council Meeting, directly referring to the Zignego site on Racine Avenue and Swartz Road. Seconded by Alderman Patzer and carried unanimously.

### **West National Avenue Redevelopment Plan Consultant Contract**

Motion by Alderman Patzer to recommend to Council to direct the City Attorney to draft a professional services contract for the West National Avenue Redevelopment Plan Consultant with SmithGroup JJR, with all expenses to be paid from the \$30,000 Community Development Black Grant from Waukesha County. Seconded by Alderman Kaminski and carried unanimously.

### **Ordinance No. 2102 "Ordinance Amending Section 12.03(6) of the Municipal Code Pertaining to Closing Hours"**

Motion by Alderman Patzer to recommend Ordinance No. 2102 to Council. Seconded by Alderman Bullermann and carried unanimously.

### **Hazardous Materials Team Consolidation**

Motion by Alderman Wysocki to recommend to Council that the City Attorney be directed to draft a Hazardous Material Merger Agreement with the Brookfield/Butler Fire Department Hazardous Material Divisions, which agreement shall then be forwarded to the Common Council for review and approval. Seconded by Alderman Wilkens and carried unanimously.

## **FINANCE**

### **Claims**

Motion by Alderman Wysocki to recommend to Council approval of the Bi-weekly Claims in the amount of \$1,116,715.28, all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

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## MISCELLANEOUS

### Public Hearing Rules

Motion by Alderman Wilkens to recommend to Council that Council Rule 14 be amended to add the following public hearing rules:

1. Persons desiring to comment at public hearings are encouraged to sign in at a sign-up sheet provided for that purpose.
2. Presentations shall be limited to the public hearing purpose.
3. Presentations shall not deal in personalities or personal attacks on members of the Council or City employees.
4. Presentations are not to be designed for the purposes of engaging others in a debate in this forum.
5. No council member may address the council during the hearing.
6. In the interest of avoiding repetitive testimony, the chairperson may want to encourage persons with the same viewpoint to appoint a spokesperson.
7. Written testimony will be accepted until 4:00 p.m. two business days prior to the public hearing in lieu of verbal testimony at the hearing itself.

Seconded by Alderman Kaminski.

Motion by Alderman Scheuble to amend the motion, and amend these rules for Public Hearings that we allow for statement that doesn't have to be pro or con, merely a statement of defining the situation if someone so chooses, and also that there be a time at the end of pros and cons to clarify the facts that have been brought forth by the citizens in the process of the formal public hearing. Motion dies for lack of a second.

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

### **Ordinance No. 2098 "Ordinance Repealing and Recreating Section 15.22(2) City of New Berlin Municipal Code Pertaining to Electrical Permits" (3<sup>rd</sup> Reading)**

City Clerk Weter gave the third and final reading of Ordinance No. 2098.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2098. Seconded by Alderman Wysocki and carried unanimously.

### **Ordinance No. 2102 "Ordinance Amending Section 12.03(6) of the Municipal Code Pertaining to Closing Hours" (1<sup>st</sup> Reading)**

City Clerk Weter gave the first reading of Ordinance No. 2102.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2102. Seconded by Alderman Wilkens and carried with Aldermen Scheuble and Kaminski voting "no".

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2102. Seconded by Alderman Patzer and carried with Alderman Scheuble voting present.

**Ordinance No. 2103 "Ordinance to Rezone the Property at 13050 West Cleveland Avenue from O-1 to I-1 Institutional"**

City Clerk Weter gave the only necessary reading of Ordinance No. 2103.

Motion by Alderman Wilkens to recommend to Council approval and adoption of Ordinance No. 2103. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wysocki to move into Closed Session. Seconded by Alderman Patzer. 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)(c),(e) & (g) of the Wisconsin State Statutes.

1. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
5. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session.

- 2000 Salary Ranges and Matrix Funding -

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.

- Troia Claim -

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

**OPEN SESSION**

**Action on Troia Claim**

Motion by Alderman Patzer to recommend to Council approval of the Joe/Maria Troia Claim, in the amount of \$1,001.15, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Wilkens and carried unanimously.

**Action on 2000 Salary Ranges and Matrix Funding**

Motion by Alderman Bullermann to recommend to Council approval of the 2000 salary ranges developed by market analysis, consisting of recommending the funding of the PFP matrix at 3.25% for the year 2000. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

Motion by Alderman Wysocki to adjourn the meeting at 12:05 p.m. Seconded by Alderman Wilkens and carried unanimously.

Judy Weter  
City Clerk