

Minutes

Common Council

April 25, 2000

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, April 25, 2000, at the New Berlin City Hall at 5:47 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, and Police Chief Chuck Schroeder.

ELECTION OF COUNCIL PRESIDENT

Alderman Wilkens nominated Alderman Liz Kaminski as Council President.

Motion by Alderman Wilkens to close the nominations and elect Alderman Kaminski as Council President by unanimous ballot. Seconded by Alderman Wysocki and carried unanimously.

PRESENTATION TO NEW BERLIN EISENHOWER HIGH SCHOOL DANCE TEAM

Mayor Gatzke presented all members of the New Berlin Eisenhower High School Dance Team with a plaque to recognize their excellence in performance.

Clerk's Report

City Clerk Weter gave a Clerk's Report.

Council President's Report

Council President Kaminski gave a Council President's Report.

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report - No Report

COMMUNICATIONS:

Communication from Mr. John Klante requesting Reimbursement of Attorney Fee - To City Attorney

PLAN COMMISSION - No Report

BOARD OF PUBLIC WORKS

Compressed Natural Gas Fueling Station - Amend Engineering CIP Budget

This item will be discussed after Closed Session.

UTILITY COMMITTEE - No Report

SAFETY COMMISSION

Alderman Wysocki reported from the meeting held on April 12, 2000:

Graylog Lane & Graylog Court at Brookside Parkway - Yield Signs

Motion by Alderman Wysocki to recommend the approval of "Yield" signs to be placed on Graylog Lane and Graylog Court for vehicles entering onto Brookside Parkway, and to direct the City Clerk to prepare the proper Resolution. Seconded by Alderman Patzer and carried unanimously.

Prospect Drive from 124th St. to 128th St. - No Parking Signs

Motion by Alderman Wysocki to recommend the approval of "No Parking" signs on the south side of Prospect Drive from 124th Street to 128th Street, and to direct the City Clerk to prepare the proper Resolution. Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no".

Regal Drive and Mayflower Drive - Stop Signs and Removal of Stop Signs at Camrose Avenue and Mayflower Drive

Motion by Alderman Wysocki to recommend the approval of the placement of a 4-Way Stop Sign at the intersection of Regal Drive and Mayflower Drive, and the removal of the 3-Way Stop Sign at Camrose Avenue and Mayflower Drive, and to direct the City Clerk to prepare the proper Resolution. Seconded by Alderman Wilkens and carried unanimously.

TECHNOLOGY COMMITTEE - No Report

MAYORAL APPOINTMENTS

Motion by Alderman Bullermann to approve the appointment of Michael D. O'Donnell to the Fire & Police Commission, with an expiration date of April 30, 2002; the appointment of Bartholomew R. Williams to the Landmarks Commission, with an expiration date of October 1, 2001; and the appointment of James J. Gradel to the Parks & Recreation Commission, with an expiration date of April 30, 2003. Seconded by Alderman Wilkens and carried unanimously.

ACTION ON PUBLIC HEARINGS - None

REFERRALS, DEFERRALS, AND TABLED ITEMS

Ad Hoc Policy Committee: Amendments to Updated Policies - **TABLED 9-14-99** - No Action

Safety Commission/No Parking Coachlight Drive and Carriage Lane - **TABLED 1-25-00** - Motion by Alderman Wysocki to remove this item from the table. Seconded by Alderman Patzer and carried unanimously.

This item is being dealt with at the Parks & Recreation Commission level.

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

Board of Public Works/Vehicle Fleet - **TABLED 4-11-00**

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

Motion on the Floor: Motion by Alderman Wysocki to accept the amended Vehicle Policy as described, and accept Option No. 2, Department Assigned Vehicle Fleet for policy implementations. Seconded by Alderman Kaminski.

Motion by Alderman Bullermann to allow Mike DeMoss from CVMIC to address the Council. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to amend the Vehicle Policy to include the following language:

Insurance for Business Use of Personal Vehicles:

Employees who drive their own vehicle on company business are required to have automobile insurance coverage according to the following limits:

Bodily Injury \$100,000/\$300,000

Property Damage \$100,000

Combined Single Limit \$300,000

Evidence of insurance coverages must be provided to the employee's manager.

The City will reimburse the employee for damage to personal vehicles when used on company business subject to the following:

Reimbursement will be made for loss while on city business not to exceed the lesser of (a) the amount of actual loss or (b) the deductible amount on the employee's personal insurance policy or (c) \$1,000.

Use of personal vehicle must be approved by the employee's manager and the vehicle must have been used strictly for city business at the time of the accident.

Seconded by Alderman Patzer.

Said language will be inserted in the policy after the paragraph "Unavailability of Vehicles" and before the paragraph "Definition of Business Miles".

Motion by Alderman Bullermann to amend the amendment that without Property Damage coverage, the reimbursement for loss would not apply. Seconded by Alderman Patzer and carried unanimously.

Upon voting on the amendment, the motion carried with Aldermen Scheuble and Kaminski voting "no".

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

Upon voting on the original motion as amended, the motion carried with Aldermen Scheuble and Wilkens voting "no".

Action on Public Hearings/Raven Golf Services - 19410 W. Cleveland Ave. - Rezone from A-2/C-2 to P-1 - TABLED 4-11-00

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

Motion on the Floor: Motion by Alderman Kaminski to approve the request by Raven Golf Services to rezone the property located at 19410 from A-2/C-2 to P-1 subject to:

- 1) Use/site and architectural approval required.
- 2) Coordination with Don Reed of the Southeastern Wisconsin Planning Commission (SEWRPC) on using any identified environmental corridors.
- 3) Landscaping plan to be submitted as part of the use application to address the protection of any identified wetlands and lands to the east and west by errant golf balls.
- 4) Access permit from the Waukesha County DOT required.
- 5) Land division required, propose land division needs to be straightened out, cross access easements will ultimately be required.
- 6) Revised "detailed" grading plan required. Facility may need to be lowered to allow for proper integration with parking lot to the east.

Seconded by Alderman Patzer.

Motion by Alderman Patzer to refer this item back to the Plan Commission, without prejudice, to study whether the more appropriate zoning for this sight would be PUD, and to look at lights and access. Seconded by Alderman Bullermann and carried with Alderman Kaminski voting "no".

Resolution & Ordinances/Ordinance No. 2110 "An Ordinance to Rezone the Property at 19410 W. Cleveland Avenue" - TABLED 4-11-00

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

Motion by Alderman Patzer to refer this item to the Plan Commission. Seconded by Alderman Bullermann and carried with Alderman Kaminski voting "no".

CONSENT AGENDA

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

Minutes

Minutes of the Public Hearing from March 21, 200 re: Greenfield Avenue Water Main Assessment District

Minutes of the Public Hearing from April 11, 2000 re: Raven Golf Services Inc. Rezoning Minutes of the Common Council Meeting held on April 11, 2000

Claims

Sewer Utility claims in the amount of \$46,185.58, all of which represents payments to vendors; Water Utility claims in the amount of \$100,306.63, all of which represents payments to vendors; and bi-weekly claims in the amount of \$639,928.19, all of which represents payments to vendors.

Bartender Licenses, Amendment to "Class B" Retailer's License, Agent Change - "Class B" Retailer's License, Special Class "B" Retailer's License, Rubbish Collection License

Bartender Licenses for the year 1998-2000 to Kathy J. Knebel and John S. Rader; Amendment to the "Class B" Retailer's License to include the "Parking Lot Area" for Nickel's Pub, 13915 W. Greenfield Avenue, on Saturday, May 20, 2000, from 11:00 a.m. until 6:00 p.m. Any complaints from neighbors, etc. that require Police response will result in immediate revocation of outdoor amendment; Change of Agent on record for Rocky Rococo Pizza & Pasta, 15455 W. Howard Ave., to Jeffrey P. Peschek; "Class B" Retailer's License to sell Fermented Malt Beverages and Intoxicating Liquor for the year 1999-2000 to Scott A. Knueppel at Haybaler's Saloon, 13327 W. Greenfield Avenue, upon the approval of the Inspection and Planning Departments; Special Class "B" Retailer's License to sell Fermented Malt Beverages at Picnics or Gatherings to Ojibwa Bowhunters at 3045 S. Johnson Road on May 13, 2000 at 7:00 a.m. and ending on May 14, 2000 at 6:00 p.m., July 3, 2000 at 8:00 a.m. and ending July 5, 2000 at 6:00 p.m., and July 22, 2000 at 7:00 a.m. and ending July 23, 2000 at 6:00 p.m.; and Rubbish Collection License for the year 2000 to Aspen Waste Systems of Wisconsin, Inc./Mike Jarvis, General Manager.

Hotel Record Ordinance

Direct the City Attorney to draft the proper Ordinance requiring transient lodging facilities to maintain certain records.

Creation of Police Department Endowment Fund

Create an endowment fund for the Police Department, to be known as the "William J.H. Sadusky Training Endowment Fund", and to direct the City Attorney to prepare the proper Resolution.

Creation of Unpaid Sworn Tactical Emergency Medical Support Officer Position

Create an unpaid sworn officer position within the Police Department entitled as follows: Sworn Tactical Emergency Medical Support Officer, and to direct the City Attorney to prepare the proper Ordinance.

RESOLUTIONS AND ORDINANCES

Resolution No. 00-11 "A Resolution to Require Yield Signs on Graylog Land and Graylog Court"

Motion by Alderman Wysocki to approve and adopt Resolution No. 00-11. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 00-12 "A Resolution to Prohibit Parking on the South Side of Prospect Drive from 124th Street to 128th Street"

Motion by Alderman Bullermann to approve and adopt Resolution No. 00-12. Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no".

Resolution No. 00-13 "A Resolution Requiring Stop Signs at Regal Drive and Mayflower Drive and the Removal of Stop Signs at Camrose Avenue and Mayflower Drive"

Motion by Alderman Wilkens to approve and adopt Resolution No. 00-13. Seconded by Alderman Wysocki and carried unanimously.

Ordinance No. 2107 "City of New Berlin Storm Water Management Ordinance" (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2107.

Motion by Alderman Wysocki to adopt and approve Ordinance No. 2107. Seconded by Alderman Bullermann.

Motion by Alderman Scheuble to defer this item. Seconded by Alderman Wysocki and carried with Alderman Bullermann voting "no".

Ordinance No. 2111 "Ordinance Amending Section 4.04 of the City of New Berlin Municipal Code Removing Building Maintenance Supervisor and Creating the Positions of Building Maintenance Manager and Office Coordinator (Courts)" (2nd Reading)

City Clerk Weter gave the second reading of Ordinance No. 2111.

Motion by Alderman Bullermann to waive the third reading of Ordinance No. 2111. Seconded by Alderman Patzer and carried with Aldermen Wysocki and Scheuble voting "no".

Motion by Alderman Bullermann to adopt and approve Ordinance No. 2111. Seconded by Alderman Patzer and carried with Aldermen Wysocki and Kaminski voting "no".

Ordinance No. 2112 "Ordinance Amending Section 4.18(3)(a) of the City of New Berlin Municipal Code Removing Building Maintenance Supervisor with a Salary Range of Nine and Creating Building Maintenance Manager with a Salary Range of Eleven and Office Coordinator (Courts) with a Salary Range of Six" (2nd Reading)

City Clerk Weter gave the second reading of Ordinance No. 2112.

Motion by Alderman Patzer to waive the third reading of Ordinance No. 2112. Seconded by Alderman Bullermann and carried with Aldermen Wysocki and Scheuble voting "no".

Motion by Alderman Bullermann to adopt and approve Ordinance No. 2112. Seconded by Alderman Patzer and carried with Aldermen Wysocki, Scheuble and Kaminski voting "no".

Motion by Alderman Wilkens to move into Closed Session. Seconded by Alderman Chiovatero. 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.

(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.

- Church Street Fuel Claim -

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

OPEN SESSION

Motion by Alderman Bullermann to adjourn the meeting at 8:36 p.m. Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no".

Judy Weter
City Clerk

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