

# **Minutes**

## **Common Council Minutes**

**July 25, 2000**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, July 25, 2000, at the New Berlin City Hall at 9:45 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were City Attorney Paul Reilly and City Clerk Judy Weter, Director of Community Development Steve Hoese, Associate Planner Greg Kessler, and City Engineer Jeff Chase.

### **Clerk's Report**

City Clerk Weter gave a Clerk's Report.

**Council President's Report**- No Report

### **Mayor's Report**

Mayor Gatzke gave a Mayor's Report.

**City Attorney's Report** - No Report

### **COMMUNICATIONS**

**Communication from Roger Myers re: Sewer Backup** - To City Attorney

**Communication from Steve Hoese re: Conservation Subdivisions** - On File in Clerk's Office

**Communication from Christopher Mehrstedt re: Damage to Vehicle** - To City Attorney

**Communication from Co-owners of Park Place Landscaping re: Claim** - To City Attorney

**Summons & Complaint - Buddy & Irene Schelman** - To City Attorney

### **Reconsideration Request from Alderman Scheuble re: Growth and Development Management Plan Development Policies/Resolution No. 00-20**

Motion by Alderman Scheuble to reconsider the Growth and Development Management Plan Development Policies/Resolution No. 00-20. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wysocki to approve of the Future Land Use Map, Growth and Development Master Plan Update, and Concept Area Map as prepared by Clarion Associates and McBride Dale Clarion and discussed at the Public Hearing on November 2, 1999, and recommend Resolution 00-20 to Council. Seconded by Alderman Kaminski.

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

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

**PLAN COMMISSION** - No Report

**BOARD OF PUBLIC WORKS** - No Report

**UTILITY COMMITTEE**

Alderman Bullermann reported from the meeting held on July 17, 2000:

**KASCO Sanitary Sewer Oversizing Review**

Motion by Alderman Bullermann to not continue any type of agreement with the developer relative to the sanitary sewer oversizing request. Seconded by Alderman Wysocki and carried unanimously.

**SAFETY COMMISSION**

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

**No Parking - Coachlight Drive and Carriage Lane**

Motion by Alderman Wysocki that "No Parking from 5 p.m. to 9 p.m. from May through August" signs be placed 1) on the north side of Coachlight Drive from Carriage Lane to 150 feet east of the intersection, and 2) on the west side of Carriage Lane from Coachlight Drive just north of the 2<sup>nd</sup> drive-way entrance on the west side of Carriage Lane, approximately 150 feet or so, and to direct the City Clerk to prepare the proper Resolution. Seconded by Alderman Patzer and carried unanimously.

**TECHNOLOGY COMMITTEE**

Alderman Bullermann reported from the meeting held this evening:

**IS Plan**

Motion by Alderman Bullermann to accept the proposal of Schenk and Associates in an amount not to exceed \$12,000 with funding to be included in the 2001 budget for an Informational Systems Plan. Seconded by Alderman Wysocki.

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

**MAYORAL APPOINTMENTS**

**Library Board**

Motion by Alderman Bullermann to approve the appointments of Kenneth R. Bassmann and Larry W. Thysell to the Library Board, both with an expiration date of June 30, 2002. Seconded by Alderman Patzer and carried unanimously.

**Electrical Review Board**

Motion by Alderman Patzer to approve the reappointments of Robert J. Kutchera and Wayne H. Wielebski to the Electrical Review Board, both with an expiration date of August 31, 2002. Seconded by Alderman Wysocki and carried unanimously.

**ACTION ON PUBLIC HEARINGS**

**Resolution No. 00-25 "Resolution Authorizing Amendments to \$1,717,000 City of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 1999 (GS Hydraulic Sales, Inc./JNP Investments, LLC Project) Issued on December 16, 1999"**

Motion by Alderman Wysocki to adopt and approve Resolution No. 00-25. Seconded by Alderman Patzer and carried unanimously.

**REFERRALS, DEFERRALS, AND TABLED ITEMS - NONE**

**CONSENT AGENDA**

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

**Minutes**

Minutes of the Public Hearing re: HCLC Primary Care Center held on July 11, 2000

Minutes of the Public Hearing re: Accessory Buildings held on July 11, 2000

Minutes of the Common Council Meeting held on July 11, 2000

**UTILITY & FINANCE**

**Claims**

Approve the Sewer Utility claims in the amount of \$217,633.58, Water Utility claims in the amount of \$132,974.65, and bi-weekly claims in the amount of \$1,168,419.53, all of which represents payments to vendors.

**LICENSES**

**Appeal to Denial of Direct Seller's Permit**

Reaffirm the denial of the Direct Seller's License Application to Richard Mundt, due to the various violations revolving around speeding, traffic, etc. on more than one occasion.

**Bartender Licenses**

Deny Bartender License to James J. Stark.

Approve the Bartender Licenses for the year 2000-2002 to Mark J. Barrett, Aaron R. Guenther, Michelle I. Janasik, Nicole J. Jerman, Megan A. Mecklenburg, John S. Rader, Jeremiah T. Schmuki, Lisa J. Skordahl, Chris C. Snow, James J. Stark, and Sarai G. Wood.

**MISCELLANEOUS**

**Funding for Prospect Hill Restoration**

Approve funding of \$500 for the September, 2000 "Hill" celebration, which includes the New Berlin Historical Society, Prospect Hill Restoration, and Landmarks Commission, with funding to come from the Contingency Account.

### **New Berlin's Eighth Annual Historic Day**

Approve the closing of National Avenue from Barton Road west to West Side Pub on Sunday, September 10, 2000, from 11 a.m. until 5 p.m.

### **HOME Program Renewal Resolution and Cooperation Agreement/Resolution No. 00-24**

Approve the HOME Program Renewal Resolution and Cooperation Agreement, and recommend Resolution No. 00-24 to Council.

### **Enforcement of Public Traffic in Emergency Vehicle Only Lanes**

Direct the City Attorney to author an Ordinance to enforce prohibitions from public traffic on identified emergency vehicle only access lanes.

### **LICENSES**

#### **Appeal to Denial of Bartender Licenses**

Motion by Alderman Wilkens to approve a 6-month Bartender License to Tracy L. Boya, to expire January 23, 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 Kaminski and carried with Alderman Wysocki voting "no".

Motion by Alderman Kaminski to approve a 6-month Bartender License to John R. Dickinson, to expire January 23, 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 Scheuble. Upon voting, the motion failed with Aldermen Scheuble and Kaminski voting "yes".

Motion by Alderman Wysocki to deny the appeal of a Bartender License to John R. Dickinson. Seconded by Alderman Bullermann and carried with Aldermen Scheuble and Kaminski voting "no".

#### **Bartender License**

Motion by Alderman Wilkens to deny the Bartender License to Jeremiah T. Schmuki. Seconded by Alderman Wysocki and carried with Alderman Kaminski voting "no".

#### **Amendment to "Class B" Retailers License**

Motion by Alderman Patzer to approve the amendment to the "Class B" Retailers License to include the "parking lot area" for Senor Luna at 1901 S. Calhoun Road on Sunday, September 3, 2000, from 12:00 Noon to 12:00 Midnight, with live music also ending at 12:00 Midnight. Any complaints from neighbors, etc. that require Police response will result in immediate revocation of outdoor amendment. Seconded by Alderman Wilkens and carried with Aldermen Bullermann and Kaminski voting "no".

### **MISCELLANEOUS**

#### **Amend Development Agreement for Moorland Commons**

Motion by Alderman Kaminski to approve amending the Moorland Commons Development Agreement by increasing the City's financial participation by an additional amount not to exceed \$250,000 subject to

specific terms of amendment approved by the City Attorney and specific conditions of payment negotiated by Staff. Seconded by Alderman Patzer and carried with Aldermen Wysocki and Scheuble voting "no".

## **RESOLUTIONS AND ORDINANCES**

### **Resolution No. 00-23 "A Resolution Amending the 2000 City of New Berlin Operational Budget"**

Motion by Alderman Wysocki to approve and adopt Resolution No. 00-23. Seconded by Alderman Bullermann and carried unanimously.

### **Resolution No. 00-24 "A Resolution Authorizing the City of New Berlin to Renew its Cooperation Agreement with Waukesha County for the Countywide HOME Program Consortium for the 2001-2003 Program Years"**

Motion by Alderman Wysocki to approve and adopt Resolution No. 00-24. Seconded by Alderman Patzer and carried unanimously.

### **Ordinance No. 2119 "An Ordinance to Rezone the Property at 12555 W. Janesville Road" (HCLC Primary Care Center)**

City Clerk Weter gave the only necessary reading of Ordinance No. 2119.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2119. Seconded by Alderman Scheuble and carried unanimously.

### **Ordinance No. 2120 "Ordinance Repealing and Recreating Section 17.0503(1) of the City of New Berlin Municipal Code" (Accessory Buildings)**

City Clerk Weter gave the only necessary reading of Ordinance No. 2120.

Motion by Alderman Patzer to approve and adopt Ordinance No. 2120. Seconded by Alderman Kaminski and carried with Alderman Bullermann voting "no".

Motion by Alderman Bullermann to move into Closed Session at 10:33 p.m. 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)(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.

- Shari Bosmans Claim -

- Zignego Facility -

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

**OPEN SESSION**

Motion by Alderman Wysocki to adjourn the meeting at 11:52 p.m. Seconded by Alderman Patzer and carried unanimously.

**Judy Weter**  
**City Clerk**

JW/nh