

Minutes

Common Council Meeting

October 12, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, October 12, 1999, at the New Berlin City Hall at 8:50 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were City Clerk Bill Bowers, City Attorney Paul Reilly, Director of Planning Steve Hoese, Asst. Director of Planning Mark Lake, Director of Human Resources Tami Potkay, and Police Lt. Frank Zsohar.

Clerk's Report

City Clerk Bowers gave a Clerk's Report.

MINUTES

Motion by Alderman Wilkens to recommend to Council approval of the Minutes of the Common Council Meeting held on September 28, 1999. Seconded by Alderman Chiovatero and carried unanimously.

COMMUNICATIONS

Communication from President of Historical Society Roy Meidenbauer regarding New Berlin Fire Station - On File in Clerk's Office

Notice of Claim - Heritage Companies for Gopal Avinash - to City Attorney

BUSINESS:

PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the meeting held on October 4, 1999:

Johnson Quarry Park Acquisition

Motion by Alderman Kaminski to recommend to Council approval of Johnson Quarry Park acquisitions. Seconded Alderman Patzer and carried unanimously.

Heather Griggs – 1505 S. Arcadian Dr., NW1/4 Sec. 1 – Preliminary Land Division

Motion by Alderman Kaminski to recommend to Council the request by Heather Griggs for approval a preliminary land division located at 1505 S. Arcadian Drive, NW ¼ Sec. 1 subject to:

1. Buyer of lots be made aware of restrictions and limitations on property and placed on the face of the Plat - five year restriction for connection to sanitary sewer, drainage problems on property and roadside drainage, specific type of house plans needed to accommodate size of lot.
2. Ultimate right-of-way (ROW) of Meadow Lane and Arcadian Drive is 60'. Dedication of an additional 5' on both Arcadian Drive and Meadow Lane is required to bring ROW from 50' to 60'.

Seconded by Alderman Patzer.

Alderman Patzer left the meeting at 9:10 p.m.

Motion by Alderman Kaminski to table this item. Seconded by Alderman Wilkens and carried with Alderman Wysocki voting "no".

Phillip Janoska – NW ¼ Sec 36. - Grange/Nicole/Edgewood – Preliminary Land Division

Motion by Alderman Kaminski to recommend to Council approval of the request by Phillip Janoska for a preliminary land division located at 13725 W. Grange Avenue – NW ¼ Sec. 36 subject to:

1. All access to lot 1 will be from Nicolet Drive or Edgewood Avenue, no access to Grange Avenue from lot 1 will be granted.
2. 2) 15' Drainage easement required along eastern lotline of lot 3.
3. Lot fronting Edgewood Ave. and Nicolet Drive required to adhere to Deed Restrictions of Highgrove Subdivision Addition #1.
4. Per Developer's Agreement for Highgrove Addition #1, all connection charges for Edgewood Avenue lots to be collected by the City of New Berlin and turned over to the Developer prior to the City signing the final CSM.
5. Payment of \$1000.00/new lot in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

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

BOARD OF PUBLIC WORKS - No Report

UTILITY COMMITTEE - No Report

MAYORAL APPOINTMENTS/None

ACTION ON PUBLIC HEARINGS/None

SAFETY COMMISSION - No Report

CIVIL SERVICE COMMISSION

Motion by Alderman Wysocki to recommend to Council to amend the Civil Service Code Section 4.02 (2) to state: ". . . These tests and determinations of qualifications shall be reviewed by the Civil Service Commission.". Seconded by Alderman Kaminski. Upon voting, the motion failed with Aldermen Wysocki and Scheuble voting "yes".

Motion by Alderman Wysocki to recommend to Council to amend the Civil Service Code to include sister or brother under 4.16(5)(a) Immediate Family. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Kaminski to recommend to Council to amend the Civil Service Code to include stepbrother and stepsister under 4.16(5)(b) Close Family. Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no".

Motion by Alderman Wysocki to recommend to Council approval of the suggested changes to Chapter 4 of the Municipal Code, and to direct the City Clerk to prepare the proper Ordinance. Seconded by Alderman Bullermann and carried unanimously.

TECHNOLOGY COMMITTEE

Alderman Bullermann reported from the meeting held on September 13, 1999:

Governmental Access Channel Policy

Motion by Alderman Bullermann to recommend to Council approval of the Governmental Access Channel Policy. Seconded by Alderman Wysocki.

Motion by Alderman Kaminski to amend the motion to remove "and Civic Groups" from the second paragraph under "Policy". Seconded by Alderman Wysocki.

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

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

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

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

Disposal of Computer Equipment Policy

Motion by Alderman Bullermann to recommend to Council approval of the Disposal of Computer Equipment Policy. Seconded by Alderman Wysocki and carried unanimously.

AD HOC DEVELOPER PLAN PROCESS COMMITTEE

Alderman Kaminski reported from the meeting held on September 14, 1999:

Committee Name Change

Motion by Alderman Kaminski to recommend to Council to change the name of the Committee to "Ad Hoc Engineering Drawing Review Committee". Seconded by Alderman Bullermann and carried unanimously.

Additional Committee Members

Motion by Alderman Kaminski to recommend to Council to include the City Engineer and Director of Community Development as part of the Committee. Seconded by Alderman Chiovatero and carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS

- a. **Fire Department Contract** - TABLED 6-22-99 - No Report
- b. **Moorland Road at Grange Avenue** - Intersection Safety - TABLED 8-24-99 - No Report
- c. **Ad Hoc Policy Committee:** Enclosed Storm Drainage Projects; Engineer Grading Guidelines; Amendments to Update Policies - TABLED 9-14-99 - No Report

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

Sewer Claims

Motion by Alderman Wysocki to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$300,172.92. Of that amount \$260,527.58 represents payment to MMSD and the remaining amount of \$39,645.34 represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

Water Claims

Motion by Alderman Kaminski to recommend to Council approval of the payment of Water Utility Claims in the amount of \$75,899.70, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

LICENSES

Motion by Alderman Wysocki to recommend to Council approval of the Bartender's Licenses for the year 1998/2000 to Donna L. Ballo, Joe W. Blair, Bradley S. Griesbach, Tammy L. Jeschke, Jeffrey M. Kusch, Philip E. Lorum, Kelly M. Martin, Kristina M. Nawrocke, Jeffrey P. Peschek, Kristin M. Whalen, Faith A. Yumang, and Hope M. Zepeda. Seconded by Alderman Patzer and carried unanimously.

Special Class "B" Retailers License

Motion by Alderman Chiovatero to recommend to Council approval of the Special Class "B" Retailers License to sell Fermented Malt Beverages at Picnics or Gatherings to Resurrection Lutheran Church at 12400 W. Coldspring Road, on October 23, 1999. Seconded by Alderman Scheuble and carried unanimously.

PERSONNEL

Authorization to Fill Position of Secretary - Mayor's Office

Motion by Alderman Wilkens to recommend to Council authorization to fill the position of Secretary - Mayor's Office and any residual vacancies that may occur. Seconded by Alderman Kaminski and carried unanimously.

MISCELLANEOUS

Contracts for Public Safety Building

Motion by Alderman Wilkens to recommend to Council approval of the following contracts for the Public Safety Building:

Enclosure for Emergency Fuel/Dumpsters	Luterbach Construction	\$50,136
Window Blinds	Julien Shade Shop	\$ 5,700
Toilet Compartments/Accessories	Laforce, Inc.	\$14,337
Filing System (Rolling Storage)	TAB	\$19,479.44

FINANCE

Claims

Motion by Alderman Wysocki to recommend to Council approval of the bi-weekly claims in the amount of \$506,584.43, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

RESOLUTIONS AND ORDINANCES

Resolution No. 99-43 "A Resolution to Place No Parking Signs on the East Side of 169th Street"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-43. Seconded by Alderman Bullermann and carried unanimously.

Ordinance No. 2088 "An Ordinance to Repeal and Recreate Section 1.05(13) of the Municipal Code of the City of New Berlin Regarding the Utility Committee"

City Clerk Bowers gave the first reading of Ordinance No. 2088.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2088. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval and adoption of Ordinance No. 2088. Seconded by Alderman Bullermann and carried unanimously.

Ordinance No. 2089 "An Ordinance Repealing and Recreating Sec. 1.05(1)(a) of the Municipal Code Regarding the Composition of the Board of Public Works"

City Clerk Bowers gave the first reading of Ordinance No. 2089.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2089. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval and adoption of Ordinance No. 2089. Seconded by Alderman Bullermann and carried unanimously.

Ordinance No. 2090 "An Ordinance to Repeal and Recreate Sections 1.05(10)(a)(6) and 1.05(10)(a)(8) of the Municipal Code of the City of New Berlin Relating to the Composition of the Safety Commission"

City Clerk Bowers gave the first reading of Ordinance No. 2090.

Motion by Alderman Wysocki to waive the second and third readings of Ordinance No. 2090. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval and adoption of Ordinance No. 2090. Seconded by Alderman Bullermann and carried unanimously.

Council President's Report - No Report

Mayor's Report - No Report

City Attorney's Report - No Report

Motion by Alderman Chiovatero to move into Closed Session at 10:10 p.m. Seconded by Alderman Kaminski. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki 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.

- Foshey Claim -

Motion by Alderman Bullermann to move into Open Session at 10:12 p.m. Seconded by Alderman Kaminski and carried unanimously.

OPEN SESSION

Possible Action on Foshey Claim

Motion by Alderman Bullermann to recommend to Council to deny the Annetta Foshey claim, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no".

Motion by Alderman Bullermann to adjourn the meeting at 10:12 p.m. Seconded by Alderman Wysocki and carried unanimously.

William Bowers
City Clerk

WB/nh