

PROCEEDINGS OF THE COMMON COUNCIL MEETING

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin held on Tuesday, September 23, 2003 at the New Berlin City Hall at 7:30 PM.

ROLL CALL: Mayor Wysocki, Aldermen Bullermann, Gallagher, Harena, Wilkens, Chiovatero and Ament. Excused: Alderman Augustine arrived at 8:55 p.m. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Community Development Greg Kessler, City Engineer J.P. Walker, Planning Services Manager David Haines and Director of Human Resources Tami Potkay.

This meeting was noticed on September 18, 2003 in accordance with Open Meetings law.

REPORTS

Clerk – to avoid waiting in lines during next years 4 elections, register to vote now in the City Clerk’s office from 8:00 AM to 4:30 PM. Monday to Friday.

Council President - none

Mayor - none

City Attorney - none

COMMUNICATIONS

Claim of Katie Wilkie

Motion by Alderman Wilkens to deny the claim based on the recommendation from City Attorney Blum. Seconded by Alderman Bullermann and carried unanimously.

Claim of Tim Kostusak

Motion by Alderman Bullermann to approve the claim. Seconded by Alderman Gallagher. Motion failed unanimously.

Motion by Alderman Wilkens to deny the claim based on the recommendation from City Attorney Blum. Seconded by Alderman Chiovatero and carried unanimously.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

Poplar Creek Development - 3095-3111 S Calhoun Rd/Rezone from A-1, A-2, O-2, C-2 to R-1/R-2, M-1 and C-2/Schedule Public Hearing for October 6, 2003 at 6:00 PM before Plan Commission.

Motion by Alderman Ament to set the Public Hearing for October 6, 2003 at 6:00 PM before Plan Commission. Seconded by Alderman Harena and carried unanimously.

Antonino’s Italian Ristorante – 1413 S 170th Street/Rezone from R-5 to B-2/Ordinance No. 2213.

Motion by Alderman Ament to adopt Ordinance No. 2213. Seconded by Alderman Harena and carried with Alderman Gallagher voting no.

National Regency – 13750 W National Avenue/Certified Survey Map to redefine Lot #2.

Motion by Alderman Ament to approve the National Regency Certified Survey Map to redefine Lot #2 to combine several parcels into lot #2, subject to the application, plans on file and the following conditions:

- 1) Applicant shall provide a title report to the City to ensure that Lot 1 is in common ownership with other lots.
- 2) Applicant shall place a note of the CSM that an additional 17' is dedicated to the City for right-of-way along Sunny Slope Road.
- 3) Applicant shall show any access restrictions on National Avenue.
- 4) Dimensions to buildings (existing) shall be shown on the CSM.
- 5) Applicant shall identify if any cross easements are required. If they are necessary, the applicant shall show those on the CSM.
- 6) Applicant is required to show the easement for detention basin on the CSM.
- 7) Applicant is required to show the easement for any public facilities on the property.
- 8) Applicant shall ensure City that all setbacks set forth in the PUD can be met for the proposed and future additions.
- 9) Lot 1 is not included in the PUD, being that it is only 82' deep, this would make it non-conforming and therefore not buildable. If in the future, the applicant wishes to include this property within the PUD, the applicant will have to revise the PUD to reflect the change in zoning from residential to I-1/PUD.
- 10) A significant number of parking spaces are located behind Lot # 1 (CSM #4331), which are used by that building's tenants. Applicants shall provide a written agreement to the City regarding any parking agreements. The building seems to close to lot line. Applicant shall verify this distance to ensure that the building does not encroach within the setback.
- 11) Need Plan Commission secretary's name, Greg Kessler, on document.
- 12) Owners shall be listed on the CSM and the applicant/owner shall sign mortgage certificate area on the CSM prior to City signing. All owners must sign prior to City signing the CSM.

Seconded by Alderman Wilkens and carried unanimously.

City of New Berlin (Forest Park Presbyterian Church) 2300 Sunny Slope Road/Rezone from I-1, C-2 to I-1, C-2 to adjust wetland boundaries as field delineated/Ordinance No. 2214.

Motion by Alderman Ament to adopt Ordinance No. 2214. Seconded by Alderman Wilkens and carried unanimously.

STORM WATER COMMITTEE

Resolution 03-34 "Resolution Amending a City of New Berlin CIP Account For Construction of Buena Park Subdivision Storm Water Improvements Project"

Motion by Alderman Bullermann to adopt Resolution 03-34. Seconded by Alderman Wilkens and carried unanimously.

CIVIL SERVICE COMMISSION

Authorize City Attorney to generate a Request For Proposals to hire an outside consultant conversant with Civil Service ordinances and Human Resource policies.

Motion by Alderman Gallagher to authorize the City Attorney to generate a Request For Proposals to hire an outside consultant conversant with Civil Service ordinances and Human Resource policies. Seconded by Alderman Ament.

Motion by Alderman Harenda to defer to the next meeting. Seconded by Alderman Bullermann and carried with Alderman Gallagher voting no.

MAYORAL APPOINTMENTS

Landmarks Commission

Motion by Alderman Harenda to appoint Catherine Kohler Gumieny and Eugene A Wicihowski for terms to expire 10-01-06. Seconded by Alderman Bullermann and carried unanimously.

REFERRALS, DEFERRALS, & TABLED ITEMS

Plan Commission - Calvary Community Church – 4895 S. Calhoun Rd. – Rezone from A-2, C-2 to I-1, C-2/Ordinance No. 2209 “An Ordinance to Rezone Property at 4895 S. Calhoun Road from A-2 Agricultural District, C-2 Shoreland Wetland District to I-1 Institutional District, C-2 Shoreland Wetland District” - TABLED 7-22-03

Motion by Alderman Ament to remove from the table. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Ament to adopt Ordinance No. 2209. Seconded by Alderman Wilkens and carried unanimously.

CONSENT AGENDA

Motion by Alderman Ament to approve the following items from consent agenda. Seconded by Alderman Wilkens and carried unanimously.

UTILITY AND FINANCE

Claims

Approval of payment of Water Utility Claims in the amount of \$ 184,903.29; Sewer Utility Claims in the amount of \$404,866.93, of that amount \$276,093.31 represents payment to MMSD, and the remaining amount of \$128,773.62 represents payments to vendors; and Bi-weekly Claims in the amount of \$691,405.68.

LICENSES

Bartender Licenses

Approval of the Bartender Licenses for the year 2002-2004 to Kathleen L. Hester, Jaime L. Hobmeier, Tamatha J. Hoecherl, Diane L. Howard, Jane L. Kolinski, Michelle A. Lindquist, Benjamin C. Sadorf and Debra A. Strand.

Amendment to “Class B” Retailers License

Approval of the amendment to the “Class B” Retailers License to include the “Back Lot Area” for Matty’s Bar & Grille, 14460 W. College Ave., on Sunday, October 26,2003 from 2:00 PM to 10:00 PM (Live music from 2:00 PM to 8:00 PM). *Owner must provide trained staff to provide traffic control for pedestrians crossing College Ave., the staff must wear a fluorescent safety vests (flashlight at night) and they must be sober.* Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment and/or live music.

MISCELLANEOUS

Resolution No. 03-40 “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”

Adopt Resolution No. 03-40.

FEMA’s Community Rating System

Approve and direct the Department of Community Development to work with FEMA in preparing the City’s application for participation in FEMA’s Community Rating System and appoint Gregory Kessler, Director of Community Development to serve as the City’s CRS Coordinator.

MINUTES

Motion by Alderman Ament to approve the September 9, 2003 Common Council minutes. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Ament to adjourn the Common Council meeting at 8:40 p.m. to wait for Alderman Augustine to arrive to then go to Committee of the Whole to consider Resolution No. 03-39 and then reconvene to recommend to Common Council. Seconded by Alderman Wilkens and carried unanimously.

TABLED & DEFERRED ITEMS

Resolution No. 03-39 “A Resolution to use the 2003 Tax Levy to Set the 2004 Budget”

Motion by Alderman Ament to recommend to Council to adopt Resolution No. 03-39 as amended. Seconded by Alderman Harenda. Motion failed with Aldermen Augustine, Harenda and Ament voting yes.

ADJOURN

Motion by Alderman Bullermann to adjourn at 9:49 PM. Seconded by Alderman Augustine and carried unanimously.

**Respectfully submitted as City Clerk
Marilyn Gauger, CMC**