

**Common Council Minutes
October 22, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, October 22, 2002, at the New Berlin City Hall at 8:10 P.M.

Present were Mayor Wysocki, Aldermen Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present were City Attorney Mark Blum, Deputy City Clerk Nancy Hoffmann, Director of Community Development Greg Kessler, Associate Planner David Haines, City Engineer JP Walker and Director of BIZ Bob Sigrist. Alderman Bullermann was excused.

Clerk's Report - No Report

Council President's Report - No Report

Mayor's Report

Mayor Wysocki gave a Mayor's Report.

City Attorney's Report - No Report

COMMUNICATIONS

Communication from City Attorney re: Tim & Jan Rowe Claim

Motion by Alderman Wilkens to deny the Tim & Jan Rowe claim in the amount of \$217.55, per the recommendation of City Attorney Mark Blum. Seconded by Alderman Ament and carried unanimously.

Notice of Claim - Thomas E. Horvatin - to City Attorney

PLAN COMMISSION

Alderman Ament reported from the meeting held on October 7, 2002:

Hickory Hills – 14602 W. Beloit Rd. – Rezone from I-1/C-1 to Rm-1/C-1/PUD

Motion by Alderman Ament to set a public hearing date before the Plan Commission for December 2, 2002. Seconded by Alderman Harenda and carried unanimously.

MIE – New Berlin – 15525 W. Grange Ave. – Nw ¼ Sec. 35 – Two-Lot Land Division

Motion by Alderman Ament to approve the request by James Beaty c/o MIE Properties, Inc. for a two lot land division located at 15525 W. Grange Avenue subject to the application, the plans on file and the following:

- 1) Lot 3 platted on CSM is an existing lot already of record with different owner (Nellie Rausch trust) than rest of CSM (Joseph and Carolyn Rausch). No place for Nellie Rausch signature on CSM form.
- 2) Grange Avenue ultimate ROW is 100' wide not 40' as shown on CSM. Applicant shall be required to dedicate the 50'.
- 3) Outlot 1 should be allowed no access. Within 200' of top of

hill, it will likely be a blind spot even when road is cut down. Show access restrictions on CSM.

- 4) CSM shall include road reservation or ingress/egress language for MIE's main road through site and loop out to Grange and second emergency access for the proposed 7 building sites and future development along Grange Avenue.
 - 5) Show 60' x 60' vision triangle at the intersection of Moorland Road and Grange Avenue shall be shown on CSM.
 - 6) On sheet 4 of 6 of CSM shows wetland and 100 year flood plain as the same line. Pre-development 100 year flood ele" unusual wording. Seems to indicate flood plain is being increased by development. Please Clarify.
 - 7) Developer Agreement will be needed for lot 1.
 - 8) An approved Erosion Control Plan and deposit is required prior to clearing, grubbing or grading.
 - 9) Access permits required from the Waukesha County Department of Transportation for the on Moorland Road.
 - 10) Payment of \$ 5,278.14 in Public Sites, Open Space and Trail fee is required prior to signing of final CSM.
- Seconded by Alderman Gallagher and carried unanimously.

Waterbury Estates - 3975 S. 124th St. - Final Plat

Motion by Alderman Ament to approve the Waterbury Estates final plat located at 3975 S. 124th Street subject to:

- 1) All improvements including Public Sanitary Sewer, Public Water Mains, Public Storm Drainage, Site Grading, Erosion Control, Public Roads, Public Lighting and Stormwater quality plans shall be accepted by the City prior to Common Council action on the Final Plat.
- 2) Required landscaping:
 - a. The landscaping plan shall meet the requirements of §275-56.
 - b. A fiscal security, in accordance with §275-56(2), either by bond, certificate of deposit or letter of credit with the City, to ensure that the owner is in full compliance with landscaping installation and maintenance requirements prior to Common Council action on the Final Plat.
 - c. The landscaping plan will include landscaping for Outlot 1, Outlot 2 and the portion of Lot 5 that includes the stormwater detention easement.
 - d. The landscaping plan will include a split-rail type fence and associated landscaping along Howard Avenue and 124th Street.
 - e. The landscaping plan shall include an application for monument sign depicting the location of the subdivision entrances. The cost of the sign shall be included in the fiscal security.
 - f. The landscaping plan shall be approved by the Department of Community Development prior to any installation.
- 3) The City shall initiate a rezoning of Outlot 2 to C-2 Shoreland Wetland District for the area shown as wetland on

the Final Plat and rezone the remainder of Outlot 2 to C-3
Permanent Open Space / Conservation Lands.
Seconded by Alderman Chiovatero.
Motion by Alderman Chiovatero to table this item. Seconded by
Alderman Harenda and carried unanimously.

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE - No Report

UTILITY COMMITTEE - No Report

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

TECHNOLOGY COMMITTEE - No Report

MAYORAL APPOINTMENTS

Landmarks Commission

Motion by Alderman Ament to reappoint Laurie M. DeMoss, Kay A. Jashinsky, and Lawrence E. Mudek to the Landmark Commission, all with an expiration date of October 1, 2005. Seconded by Alderman Harenda and carried unanimously.

Utility Committee

Motion by Alderman Gallagher to appoint Robert J. Dude to the Utility Committee with an expiration date of October 13, 2004. Seconded by Alderman Chiovatero and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS AND TABLED ITEMS

Resolutions and Ordinances - Ordinance No. 2174 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Removing Utility Operations Manager and Streets Superintendent and Renaming Director of Finance to Director of Finance and Administration with a Salary Range of _____ and Renaming Director of Streets, Parks and Recreation to Director of Forestry, Parks and Recreation with a Salary Range of _____" - TABLED 6-11-02

Motion by Alderman Augustine to remove this item from the table. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Augustine to refer this item to the Civil Service Commission. Seconded by Alderman Harenda and carried unanimously.

CONSENT AGENDA

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

MINUTES

Minutes of the Common Council Meeting held on October 8, 2002

UTILITY & FINANCE

Claims

Approve payment of Water Utility Claims in the amount of \$141,656.22; Sewer Utility Claims in the amount of \$206,714.21, and Bi-weekly Claims in the amount of \$414,578.88, all of which represents payments to vendors.

Bartender Licenses

Approve Bartender Licenses for the year 2002-2004 to Elizabeth J. Panasuk, Shannon N. Schroeder, Paul F. Snyder, and Donato Tagliavia.

“Class B” Retailers License

Approve the “Class B” Retailers License for the year 2002-2003 to Motion Fitness & Racquet Club, Joseph Dunne, Agent, at 14999 W. Beloit Road, subject to the agent completing the Responsible Beverage Service Course, and subject to approval from both the Inspection Department and the Community Development Department.

MISCELLANEOUS

Legal Expenses - Sts. Constantine & Helena Greek Orthodox Church/Resolution No. 02-26

Authorize transfer of \$9,600 from the Contingency Fund #636 to City Attorney - Outside Services - Attorney - #508-212-01, and approve Resolution No. 02-26 “A Resolution Amending the 2002 City of New Berlin Operational Budget Transferring Funds to the City Attorney Account”.

Formation of City/School District Ad Hoc Committee re: Shared Services

Motion by Alderman Chiovatero to authorize the Council President to appoint two aldermen that would form and join an Adhoc Committee consisting of two aldermen, two New Berlin School Board members, and up to four citizens - 2 appointments to be chosen by the Council President and 2 appointed by the School Board, to study and research possible savings of combined and contractual services and materials between both parties. Seconded by Alderman Augustine and carried unanimously.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2186 “Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Adding the Positions of IT Network/System Administrator, IT Programmer/Analyst, IT Manager, and Human Resources Clerk, effective January 7th, 2002” (3rd Reading)

Deputy City Clerk Hoffmann gave the third and final reading of Ordinance No. 2186.

Motion by Alderman Wilkens to refer this item to the Civil Service Commission. Seconded by Alderman Harenda and carried unanimously.

Ordinance No. 2190 “Ordinance Creating Section 261-2(G) of the City of New Berlin

Municipal Code Pertaining to Speed Limits in School Zones" (1st Reading)
Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2190.

Motion by Alderman Wilkens to waive the second and third readings of Ordinance No. 2190. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Chiovatero to approve Ordinance No. 2190. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Wilkens to move into Closed Session at 8:27 p.m. Seconded by Alderman Ament and carried unanimously.

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.

- (g) 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 it is or is likely to become involved.

- Various Pending Claims Against City -

Motion by Alderman to move into Open Session at 9:00 p.m. Seconded by Alderman Harenda and carried unanimously.

OPEN SESSION

Possible Action on Midwest Power Litigation/Resolution Acknowledging the Validity of CU-13-00 During the Pendency of an Arbitration Regarding the Expiration Clause of Conditional Use Permit #CU-13-00

Motion by Alderman Gallagher to approve Resolution No. 02-27. Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Ament to adjourn the meeting at 9:05 p.m. Seconded by Alderman Wilkens and carried unanimously.

Nancy Hoffmann
Deputy City Clerk

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