

**Common Council Minutes
September 24, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, September 24, 2002, at the New Berlin City Hall at 9:15 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present were City Attorney Mark Blum, Deputy City Clerk Nancy Hoffmann, Director of Finance and Administration Mike Holzinger, Director of Community Development Greg Kessler, Director of BIZ Bob Sigrist, City Engineer JP Walker, Associate Planner David Haines, Emergency Government Director Scott Schulpius, Director of Forestry, Parks & Recreation Mark Schroeder.

Clerk's Report - No Report

Council President's Report

Council President Bullermann gave a Council President's Report.

Mayor's Report

Mayor Wysocki gave a Mayor's Report.

City Attorney's Report - No Report

COMMUNICATIONS

Re: Objection to Assessment at 13520 W. Foxwood Drive

Motion by Alderman Gallagher to deny the claim of excessive assessment for tax key #1201-227, per the recommendation of City Assessor Paul Koller. Seconded by Alderman Ament and carried unanimously.

From Governmental Accounting Standards Board re: Financial Reporting - on File in Clerk's Office

COMMITTEE OF THE WHOLE

Forward Operating and CIP Budgets to Common Council

Motion by Alderman Wilkens to adjust the expenditure figures for Interest on Debt to \$2,027,237 and Principal Payment to \$5,733,277, for a total of \$31,805,973. Seconded by Alderman Bullermann and carried with Aldermen Gallagher and Ament voting "no".

Motion by Alderman Wilkens to adjust the revenue figures for General Taxes to \$18,972,183, with a transfer from Water Utility in the amount of \$184,840, and a transfer from Stormwater Utility in the amount of \$494,827, for a total of \$31,805,973. Seconded by Alderman Bullermann and carried with Aldermen Gallagher and Ament voting "no".

Motion by Alderman Wilkens to forward for Public Hearing the proposed adoption of total revenues

of \$31,805,973 including a general tax levy of \$18,972,183, with a tax rate of \$5.9085, a decrease of 13.17%. Seconded by Alderman Bullermann and carried with Aldermen Gallagher, Harenda, and Ament voting “no”.

Motion by Alderman Wilkens to forward for Public Hearing the proposed adoption of the CIP budget in the amount of \$7,318,620. Seconded by Alderman Ament and carried with Alderman Gallagher voting “no”.

Set Public Hearing Date of Proposed 2003 Budgets

Motion by Alderman Ament to recommend to Council that October 22, 2002 at 7:00 p.m. be set as the date for the Public Hearing on the proposed 2003 Operating and CIP budgets. Seconded by Alderman Bullermann and carried with Alderman Gallagher voting “no”.

PLAN COMMISSION

Alderman Ament reported from the meeting held on September 9, 2002:

Waukesha County Cooperative Land Development Planning Proposal/Resolution No. 02-24

Motion by Alderman Bullermann to adopt Resolution No. 02-24, declaring that the City of New Berlin does not wish to participate in the Cooperative Agreement for the Development of the Waukesha County "Comprehensive" Development Plan. Seconded by Alderman Wilkens and carried unanimously.

Southwest Metal Finishing – City of New Berlin Department of Community Development – 16775 W. Dakota St. – Rezone from M-1/C-2 to M-1/C-2 – Survey Delineation of C-2 Conservancy Boundary/Set Public Hearing Date

Motion by Alderman Ament to forward to Common Council to request a Public Hearing date be set for November 4, 2002 before the Plan Commission relative to the request to rezone the delineated and surveyed C-2, Wetland District Boundary. Seconded by Alderman Wilkens and carried unanimously.

New Berlin City Center – 15051 W. National Ave. – Sw ¼ Sec. 14 – Revised Land Division

Motion by Alderman Ament to approve the request by New Berlin City Center for a four lot land re-division located at 15051 W. National Avenue subject to:

- 1) Minimum ROW width for Coffee Street, at National Avenue, shall be 120'. Need documentation that Coffee Street alignment matches what will be approved by DNR.
- 2) Additional ROW is needed at intersection of Coffee Street and National Avenue (50' radius ± at corners). Final street plans have not yet been submitted and it is difficult to tell for sure exactly what is needed. We will want 10'± beyond sidewalk.
- 3) Vision corner easements required on all intersections.
- 4) Direct access to National Avenue shall prohibited and labeled on the face of the final CSM. Lot 4 includes old Tesch Road, a private 33' wide strip. Future CSMs shall require Tesch Road properties be combined. Also, CSM does not restrict access to National Avenue from Lot 4. The County will not allow Coffee

Street to be built if the private road access is not vacated.

Also the City does not want flag or irregular shaped lots. This area shall be included as part of proposed Lot 1.

- 5) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
- 6) Sewer and water plans to be approved by all regulating authorities.
- 7) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final CSM.
- 8) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing unless waived by the City Engineer.
- 9) An approved Erosion Control Plan and deposit is required prior to clearing, grubbing or grading.
- 10) Access permits required from the Waukesha County Department of Transportation for the connection to National Avenue. Right turn bay off National Avenue may be required.
- 11) All DNR approvals for final road alignment shall be approved prior to city signing final CSM. All owners must also sign prior to City signing Final CSM.
- 12) Dedicate Wilbur Drive now, not shown as future.
- 13) The wetlands shall be tied down on CSM document.
- 14) There are still errors in the 8/27/02 revised CSM document that must be corrected before document is signed by City and recorded.
- 15) Payment of Park & Open Space Fees is required prior to signing of final CSM.

Seconded by Alderman Wilkens and carried unanimously.

Hidden Creek Business Center aka The Preserve - Approx. 16600 W. Coffee Rd. - Nw ¼ Sec. 15 - Preliminary Four-Lot Land Division

Motion by Alderman Ament to deny without prejudice the request by Hidden Creek Business Center aka The Preserve for a preliminary four lot land division located at approximately 16600 Coffee Road based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant has asked for denial without prejudice.

Seconded by Alderman Wilkens and carried unanimously.

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE

Alderman Bullermann reported from the meeting held on August 27, 2002:

NR103 Alternative Analysis for Malone Park Pond

Motion by Alderman Bullermann to approve of a professional services

contract between the City of New Berlin and Bonestroo, Rosene, Anderlik and Associates for an NR 103 alternative analysis for Malone Park Pond in the amount of \$3,500, with funds to come from Account 252-230. Seconded by Alderman Ament and carried unanimously.

UTILITY COMMITTEE

Alderman Gallagher reported from the meeting held on August 28, 2002:

Small Road Claims - Fennig/Carey

Motion by Alderman Gallagher to approve a claim in the amount of \$5,775.00 for the Fennigs, and a claim in the amount of \$1,373.71 for the Careys. Seconded by Alderman Ament and carried unanimously.

Alderman Gallagher then reported from the meeting held on September 4, 2002:

Well # 11 - Plumbness & Alignment Test Results

Motion by Alderman Gallagher to accept test results, and drilling as is, and make final payment subject to transmittal of appropriate documents. Seconded by Alderman Harenda and carried unanimously.

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

TECHNOLOGY COMMITTEE - No Report

PARKS & RECREATION COMMISSION

Alderman Gallagher reported from the meeting held on September 16, 2002:

Contract Award - Phase I National Avenue Sidepath Landscaping

Motion by Alderman Gallagher to award the contract for materials and labor for the Phase I National Avenue Sidepath Landscaping Project to Bluemel's in an amount not to exceed \$50,000 based on unit prices per submitted bid. Seconded by Alderman Wilkens and carried with Aldermen Augustine, Gallagher, and Ament voting "no".

MAYORAL APPOINTMENTS/None

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 - No Action

CONSENT AGENDA

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

MINUTES

Minutes of the Common Council Meeting held on August 27, 2002

Minutes of the Common Council Meeting held on September 5, 2002

UTILITY & FINANCE

Claims

From September 11, 2002:

Approve payment of Water Utility Claims in the amount of \$146,312.67; Sewer Utility Claims in the amount of \$93,913.71, and Bi-weekly Claims in the amount of \$245,296.86, all of which represents payments to vendors, excluding Check #126929 from the bi-weekly claims.

For September 25, 2002:

Approve payment of Water Utility Claims in the amount of \$111,336.08; Sewer Utility Claims in the amount of \$349,073.42, of that amount \$259,987.10 represents payment to MMSD, and the remaining amount of \$89,086.32 represents payments to vendors; and Bi-weekly Claims in the amount of \$369,587.28, all of which represents payments to vendors.

LICENSES

Appeal to Denial of Direct Sellers License

Deny the Direct Sellers License for the year 2002-2003 to Deonday D. Putman.

Bartender Licenses

Approve the Bartender Licenses for the year 2002-2004 to Jeffrey A. Braley Jr., Dean A. Pawlak, and Nancy A. Spitzbarth.

Amendment to "Class B" Retailers License

Approve the amendment to the "Class B" Retailers License to include the "Parking Lot Area" for Nickel's Pub, 13915 W. Greenfield Avenue, on Sunday, October 6, 2002 or Sunday, October 13, 2002 (Rain Date) from 12:00 noon to 7:00 p.m. (Live music from 12:00 noon to 6:00 p.m.). Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment and/or live music.

MISCELLANEOUS

Temporary Appointment of City Clerk

Acknowledge the temporary appointment of Nancy Hoffmann to the position of City Clerk effective September 23, 2002.

Leaf Burning

Request from the community a voluntary ban on burning this fall,

and set up ad-hoc committee.

LICENSES

Appeal to Denial of Bartenders License

Motion by Alderman Gallagher to approve the Bartender License for the year 2002-2004 to Rebekah J. Capps. Seconded by Alderman Ament and carried with Aldermen Wilkens and Chiovatero voting "no".

RESOLUTIONS AND ORDINANCES

Resolution No. 02-20 "A Resolution Amending the 2002 City of New Berlin Operational Budget Transferring Funds to the City Attorney Account"

Motion by Alderman Ament to adopt Resolution No. 02-20. Seconded by Alderman Wilkens and carried unanimously.

Resolution No. 02-23 "Initial Resolution Regarding Industrial Development Revenue Bond Financing for Schmitz Redi-Mix, Inc."

Motion by Alderman Wilkens to adopt Resolution No. 02-23. Seconded by Alderman Bullermann and carried with Aldermen Gallagher and Ament voting "no".

Ordinance No. 2185 "Ordinance Repealing and Recreating Section 6-12 of the City of New Berlin Municipal Code Inserting Reference to Director of Utilities and Streets" (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2185.

Motion by Alderman Gallagher to waive the second and third readings of Ordinance No. 2185. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2185. Seconded by Alderman Harenda and carried unanimously.

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, City Clerk - IT Administrator, and Human Resources Clerk, effective January 7th, 2002"

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2186.

Mayor Wysocki directed the City Attorney to eliminate City Clerk - IT Administrator language from Ordinance No. 2186.

Ordinance No. 2187 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Creating IT Network/System Administrator with a Salary Range of 8, IT Programmer/Analyst with a Salary Range of 9, IT Manager with a Salary Range of 13, City Clerk - IT Administrator with a Salary Range of 15 and Humans Resources Clerk with a Salary Range of 2, Effective January 7, 2002"

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2187.

Mayor Wysocki directed the City Attorney to eliminate City Clerk - It Administrator language from Ordinance No. 2187.

Ordinance No. 2188 “Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Removing the Positions of Administrative Supervisor (Police), Assistant Director of Information Systems, Director of Information Systems, Information Systems Coordinator and Streets Superintendent” (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2188.

Motion by Alderman Gallagher to waive the second and third readings of Ordinance No. 2188. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2188. Seconded by Alderman Ament and carried unanimously.

Ordinance No. 2189 “Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Removing Administrative Supervisor (Police), Assistant Director of Information Systems, Director of Information Systems, Information Systems Coordinator and Streets Superintendent” (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2189.

Motion by Alderman Ament to waive the second and third readings of Ordinance No. 2189. Seconded by Alderman Gallagher and carried unanimously.

Motion by Alderman Ament to approve Ordinance No. 2189. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Gallagher to adjourn the meeting at 10:45 p.m. Seconded by Alderman Augustine and carried unanimously.

**Nancy Hoffmann
Deputy City Clerk**

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