

**Common Council Minutes
August 27, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, August 27, 2002, at the New Berlin City Hall at 7:58 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present were City Attorney Mark Blum, City Clerk Judy Weter, Director of Community Development Greg Kessler, City Engineer JP Walker, Division Engineer John Graber, Director of HR Tami Potkay, Police Corporal Michael Jeannotte, and Director of Forestry, Parks & Recreation Mark Schroeder.

Clerk's Report

City Clerk Weter gave a City Clerk's Report

Council President's Report - No Report

Mayor's Report - No Report

City Attorney's Report - No Report

COMMUNICATIONS

Notice of Circumstances of Claim - Estate of Nels Frank - to City Attorney

Notice of Circumstances of Claim - Estate of Scott Stefanski - to City Attorney

Reconsideration Request from Alderman Ament regarding the Developers Agreement - The Victorians of New Berlin

Motion by Alderman Ament to reconsider The Victorians of New Berlin Developers Agreement. Seconded by Alderman Gallagher and carried with Aldermen Harenda, Wilkens and Chiovatero voting "no".

Motion by Alderman Chiovatero to approve The Victorians of New Berlin Developer Agreement subject to final review as to form by the City Attorney, and under Item 9C addition of a form of surety instrument obligating the developer to complete the sidepath if required, within one year of completion of Phase II. Seconded by Alderman Harenda and carried unanimously.

PLAN COMMISSION - No Report

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

CIVIL SERVICE COMMISSION

Decision Band Recommendations

Motion by Alderman Wilkens to approve the banding for the position of IT Network/System Administrator at C-4-2 (salary range 8) effective January 7, 2002, and to direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to approve the banding for the position of IT Programmer/Analyst - at C-4-3 (salary range 9) effective January 7, 2002, and to direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Chiovero and carried unanimously.

Motion by Alderman Bullermann to approve the banding for the position of IT Manager - at D-6-2 (salary range 13) effective January 7, 2002, and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to approve the banding for the position of City Clerk - IT Administrator - at D-7-1 (salary range 15) effective January 7, 2002, and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Wilkens and carried unanimously.

From the July 9th Civil Service Comm. Meeting:

Motion by Alderman Bullermann to approve the banding for the position of Human Resources Clerk at A-1-2 (salary range 2) and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Chiovero and carried with Alderman Ament voting “no”.

Changes/Updates to Chapter 11

Motion by Alderman Wilkens to direct the City Attorney to prepare the proper Ordinance to modify Chapter 11 §11-5 and §11-19(C) by removing the following positions:

- Administrative Supervisor (Police)
- Assistant Director of Information Systems
- Director of Information Systems
- Information Systems Coordinator
- Streets Superintendent

Seconded by Alderman Bullermann and carried unanimously.

MAYORAL APPOINTMENTS/None

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS AND TABLED ITEMS

Technology Committee - Future of Technology Committee - TABLED 1-8-02

Motion by Alderman Bullermann to remove this item from the table. Seconded by Alderman Chiovatero and carried unanimously.

Motion on the Floor: Motion by Alderman Bullermann to rename the Technology Committee to the “Cable Committee” with responsibility relating to cable broadcast issues only. Seconded by Alderman Wilkens.

Motion by Alderman Bullermann to amend the motion and rename the Technology Committee to the “Communications Committee” with responsibility relating to cable broadcast and website issues, based on discussion at the August 26th Technology Committee Meeting. Seconded by Alderman Wilkens and carried unanimously.

Upon voting on the motion as amended, the motion carried unanimously.

Technology Committee - Voice Mail - TABLED 2-12-02

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

Motion by Alderman Bullermann to drop this item. Seconded by Alderman Harenda.

Alderman Bullermann withdrew the motion.

Motion by Alderman Gallagher to refer this item to the “Communications Committee”. Seconded by Alderman Harenda and carried unanimously.

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

Parks & Recreation Commission - Adoption of Park and Open Space Plan/Resolution of the City of New Berlin Common Council Adopting the 2002 Park and Open Space Plan for the City - TABLED 6-25-02

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

Motion on the Floor: Motion by Alderman Gallagher to adopt the Park & Open Space Plan as presented, and adopt the Resolution of the City of New Berlin Common Council adopting the 2002 Park and Open Space Plan for the City. Seconded by Alderman Bullermann.

Motion by Alderman Harenda to refer this item to the Parks & Recreation Commission. Seconded by Alderman Wilkens and carried with Alderman Gallagher voting “no”.

Resolutions and Ordinances - Ordinance No. 2181 “Lyndenwood Planned Unit Development Overlay District” - DEFERRED 8-13-02

Motion by Alderman Wilkens to approve Ordinance No. 2181. Seconded by Alderman Chiovatero.

Motion by Alderman Gallagher to amend the Ordinance to include language back into the Lyndenwood Single Family Residential District, Section 8 a & b. Seconded by Alderman Augustine and carried unanimously.

Upon voting on the motion as amended, the motion carried unanimously.

CONSENT AGENDA

Motion by Alderman Bullermann, 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 13, 2002

UTILITY & FINANCE

Claims

Approve payment of Water Utility Claims in the amount of \$55,947.47; Sewer Utility Claims in the amount of \$10,422.70, and Bi-weekly Claims in the amount of \$686,538.80, all of which represents payments to vendors.

MISCELLANEOUS

Community Development Authority/Resolution Creating the City of New Berlin Community Development Authority

Approve Resolution 02-19 “Resolution Creating the City of New Berlin Community Development Authority”.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2182 “Ordinance to Rezone Fountain Square Natural Area from P-1 Park District to C-3 Permanent Open Space/Conservation Land District”

City Clerk Weter gave the only necessary reading of Ordinance No. 2182.

Motion by Alderman Augustine to approve Ordinance No. 2182. Seconded by Alderman Bullermann and carried unanimously.

Recreate/Amend Ordinances re: Fines & Court Costs and Beverages in Parks: Ordinance No. 2183 “Ordinance Repealing and Recreating Sections 1-18(D)(2)(a) and 1-18(D)(5)(c) of the City of New Berlin Municipal Code Pertaining to Fines and Court Costs” (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2183.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2183.

Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2183. Seconded by Alderman Ament and carried unanimously.

Ordinance No. 2184 “Ordinance Repealing and Recreating Section 184-3(D) of the City of New Berlin Municipal Code Pertaining to Beverages in Parks” (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2184.

Motion by Alderman Bullermann to waive the second and third readings of Ordinance No. 2184. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2184. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Wilkens to move into Closed Session at 9:15 p.m. Seconded by Alderman Chiovatero 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.

- Potkay Arbitration -

Motion by Alderman Augustine to move into Open Session at 9:55 p.m. Seconded by Alderman Bullermann and carried unanimously.

OPEN SESSION

Motion by Alderman Ament to adjourn the meeting at 10:15 p.m. Seconded by Alderman Chiovatero and carried unanimously.

**Judy Weter
City Clerk**

JW/nh