

**Common Council Minutes  
June 25, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, June 25, 2002, at the New Berlin City Hall at 8:08 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, Associate Planner Olofu Agbaji, City Engineer JP Walker, Fire Dept. Rep. Fred Schultz, IT Manager Sue Schaefer, and Director of Streets, Parks & Recreation Mark Schroeder.

**Clerk's Report** - No Report

**Council President's Report** - No Report

**Mayor's Report** - No Report

**City Attorney's Report** - No Report.

**RESOLUTIONS AND ORDINANCES**

**Ordinance No. 2178 "Ordinance Repealing and Recreating Section 124-3 of the City of New Berlin Municipal Code Pertaining to Adopting State Fire Prevention Regulations"** (2<sup>nd</sup> Reading)

City Clerk Weter gave the second reading of Ordinance No. 2178.

Motion by Alderman Wilkens to waive the third reading of Ordinance No. 2178. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2178. Seconded by Alderman Augustine and carried unanimously.

**Ordinance No. 2179 "Ordinance Repealing and Recreating Section 124-4 of the City of New Berlin Municipal Code Pertaining to Adoption of NFPA Standards"** (2<sup>nd</sup> Reading)

City Clerk Weter gave the second reading of Ordinance No. 2179.

Motion by Alderman Ament to waive the third reading of Ordinance No. 2179. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2179. Seconded by Alderman Augustine and carried unanimously.

**COMMUNICATIONS**

**Notice of Claim - Steven Robertson** - to City Attorney

**Communication from Shelly Zinda/CK Ventures LLC re: Waiving of Interest and Penalty on**

**Delinquent Taxes/Response from Director of Finance**

Motion by Alderman Wilkens to deny the request by CK Ventures LLC to waive interest and penalty on delinquent taxes pursuant to Tax Key #1190-029-002. Seconded by Alderman Bullermann. Upon voting, the motion carried with Aldermen Augustine, Gallagher and Ament voting “no”.

**Communication from Mayor Carol J. Lombardi, City of Waukesha re: STH 164/59 Greenfield Avenue Reconstruction Project - On File in Clerk’s Office**

**Communication from Town Chairman Rodney T. Stilwell, Town of Waukesha re: STH 164/59 Greenfield Avenue Reconstruction Project - On File in Clerk’s Office**

**Notice of Claim - William & Elaine Honeyager and John Farrell - to City Attorney**

**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**

**PARKS & RECREATION COMMISSION**

Alderman Gallagher reported from the meeting held on March 18, 2002:

**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**

Motion by Alderman Gallagher to adopt the Park and 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 Wilkens to table this item and set a Public Hearing before the Common Council and Park & Recreation Commission on Tuesday, July 9, 2002 at 7:01 p.m. Seconded by Alderman Chiovarero and carried unanimously.

**MAYORAL APPOINTMENTS**

**Civil Service Commission**

Motion by Alderman Ament to appoint Virginia Moths to the Civil Service Commission, with an expiration date of June 30, 2007. Seconded by Alderman Harena and carried with Aldermen Wilkens and Chiovarero voting “no”.

## **Library Board**

Motion by Alderman Bullermann to appoint Marion Onesti to the Library Board, with an expiration date of June 30, 2005. Seconded by Alderman Ament and carried unanimously.

## **Youth Advisory Board**

Motion by Alderman Chiovatero to appoint Katie Chiovatero to the Youth Advisory Board, with an expiration date of February 5, 2003. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to appoint Katie Levene to the Youth Advisory Board, with an expiration date of February 2, 2004. Seconded by Alderman Augustine and carried unanimously.

## **ACTION ON PUBLIC HEARINGS/None**

## **REFERRALS, DEFERRALS AND TABLED ITEMS**

**Technology Committee** - Future of Technology Committee - TABLED 1-8-02 - No Action

**Technology Committee** - Voice Mail - TABLED 2-12-02 - No Action

**Board of Public Works** - Developers Agreement - Jacob's Ridge Condominiums Multi-Family - DEFERRED 6-11-02

**Motion on the Floor:** Motion by Alderman Chiovatero to approve the Developers Agreement for Jacob's Ridge Condominiums Multi-Family with the requirements that all regulatory approvals are in place before the Agreement is executed by the City. Seconded by Alderman Harenda.

Upon voting, the motion carried with Alderman Gallagher voting "no".

**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

**Resolutions and Ordinances** - Ordinance No. 2175 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Creating Director of Utilities & Streets Operations with a Salary Range of \_\_\_\_\_; Office Coordinator (Utilities & Streets) with a Salary Range of \_\_\_\_\_; Stormwater Supervisor with a Salary Range of \_\_\_\_\_; and Utility Supervisor with a Salary Range of \_\_\_\_\_" - TABLED 6-11-02 - No Action

## **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 June 11, 2002

## **UTILITY & FINANCE**

## **Claims**

Approve payment of Water Utility Claims in the amount of \$132,004.01, Sewer Utility Claims in the amount of \$31,594.07, and Bi-weekly Claims in the amount of \$697,123.35, all of which represents payments to vendors.

## **LICENSES**

### **Bartender Renewal Licenses**

Approve the Bartender License Renewal for the year 2002-2004 to Jennifer L. Bunker, Tiffany A. Cleveland, Stephen Curran, Anna M. Dams, Jennifer N. Schrader, Angela M. Szajna, and Debbie S. Walczak.

### **Bartender Licenses**

Approve the Bartender Licenses for the year 2002-2004 to William E. Doepke, Jon R. Gessay, Ruthi M. Gossette, Martin M. Malchow, and Scott J. Thornton.

## **MISCELLANEOUS**

### **E-Mail Forward Policy**

Adopt the E-Mail Forward Policy.

## **LICENSES**

### **Bartender Renewal Licenses**

The Council has before it a one-page report of Raymond C. Gettler's application and past record.

Motion by Alderman Wilkens to deny of the Bartender License for the year 2002-2004 to Raymond C. Gettler. Seconded by Alderman Bullermann and carried with Aldermen Augustine, Gallagher and Ament voting "no".

### **Bartender Licenses**

The Council has before it a one-page report of Krista A. Konicke's application and past record.

Motion by Alderman Gallagher to approve the Bartender License for the year 2002-2004 to Krista A. Konicke. Seconded by Alderman Bullermann and carried with Aldermen Wilkens and Chiovatero voting "no".

## **MISCELLANEOUS**

### **Youth Advisory Board**

Motion by Alderman Wilkens to refer this item to the Customer Service Committee. Seconded by Alderman Bullermann and carried with Alderman Gallagher voting "no".

### **Greenfield Avenue Expansion, Brookfield Road Extension/Resolution for Reconsideration of Greenfield Avenue Expansion**

Motion by Alderman Gallagher to adopt Resolution No. 02-14, "Request for Reconsideration of Greenfield Avenue Expansion", deleting paragraphs 4 and 5 from the Resolution. Seconded by Alderman Ament and carried with Aldermen Wilkens and Chiovatero voting "no".

## **RESOLUTIONS AND ORDINANCES**

**Ordinance No. 2180 “Ordinance Re-Titling ‘Director of Streets, Parks and Recreation’ to ‘Director of Forestry, Parks and Recreation’ or ‘Director of Utilities and Streets Operations’ and Re-Titling ‘Director of Finance and Utilities’ to ‘Director of Finance and Administration’ or ‘Director of Utilities and Streets Operations’ Pursuant to the Attached Exhibit A” (1<sup>st</sup> Reading)**

City Clerk Weter gave the first reading of Ordinance No. 2180.

Motion by Alderman Ament to move into Closed Session. 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.

- Steven Robertson Claim -

Motion by Alderman Bullermann to move into Open Session. Seconded by Alderman Augustine and carried unanimously.

#### OPEN SESSION

##### **Possible Action on Steven Robertson Claim**

Motion by Alderman Ament to authorize the City Attorney settle the Steven Robertson Claim in an amount not to exceed \$750. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Augustine to adjourn the meeting at 9:17p.m. Seconded by Alderman Harenda and carried unanimously.

**Judy Weter  
City Clerk**

JW/nh