

**Common Council Minutes  
February 26, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 26, 2002, at the New Berlin City Hall at 7:40 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Thomas, Gallagher, Scheuble, Wilkens, Chiovero and Ament. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Director of Community Development Greg Kessler, Director of Planning Mark Lake, City Engineer JP Walker, Division Engineer Ron Schildt, and Director of Finance and Utilities Mike Holzinger.

**PRESENTATION** by Mayor Wysocki to John Burke - 2001 National Soccer Coach of the Year for Girls Private High Schools.

**Clerk's Report** - No Report

**Council President's Report**

Alderman Bullermann gave a Council President's Report.

Alderman Bullermann recognized those staff members who helped with the Polar Plunge for Special Olympics event - Det. Sgt. John Fischer who took the plunge, Lt. Phil Kiedrowski helped out at the event, Det. Jim Jansen, Off. Brian Labant, Off. Kevin Schultz, Off. Andy Stein, Off. Matt Dietzler, and Off. Dave Olson all were hot tub movers, and Off. Dan Hanlon, Det. Nikki Eisenback, and Auxiliary Officers Thom Klein, Bernie Mangers, and Joe Tischer helped with traffic control, parking and security.

**Mayor's Report**

Mayor Wysocki gave a Mayor's Report.

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

**COMMUNICATIONS**

**Communication from City Clerk Judy Weter re: Correction of Council Minutes**

Motion by Alderman Scheuble to correct the August 14, 2001 Minutes, under Resolution No. 01-24 "Storm Water Utility Rates" to read as follows: Motion by Alderman Bullermann to approve and adopt Resolution No. 01-24. Seconded by Alderman Thomas and carried **with Aldermen Gallagher and Scheuble voting "no"**.

Seconded by Alderman Ament.

Motion by Alderman Bullermann to end debate. Seconded by Alderman Gallagher and carried with Alderman Scheuble voting "no".

Upon voting, the motion carried unanimously.

**Communication from New Berlin Public Schools re: Use of City Hall to Broadcast Board of Education Meetings**

Motion by Alderman Thomas to allow the New Berlin Public Schools to use City Hall to broadcast

their Board of Education Meetings as requested for the year 2002, except for May 28, 2002, and with the understanding that City of New Berlin Meetings take precedence when conflicts occur. Seconded by Alderman Ament and carried unanimously.

**Communication from Howard and Claire Cook re: Waiving of Interest and Penalty on Delinquent Taxes/Response from Director of Finance and Utilities**

Motion by Alderman Wilkens to waive the interest and penalty relative to the request by Howard and Claire Cook, Tax Key #1242.259. Seconded by Alderman Bullermann.

Motion by Alderman Wilkens to table this item. Seconded by Alderman Thomas and carried with Alderman Gallagher voting “no”.

**PLAN COMMISSION - No Report**

**BOARD OF PUBLIC WORKS**

Alderman Chiovaturo reported from the meeting held on February 4, 2002:

**Greenfield Avenue Reconstruction - Cost Sharing Agreement**

Motion by Alderman Chiovaturo to support the City initiating discussion with the other area communities to develop an agreement as to what the cost sharing breakdown will be for each community for the reconstruction of Greenfield Avenue from Calhoun Road to STH 164, and WisDOT to negotiate a Lead Agency Agreement. Seconded by Alderman Ament.

Motion by Alderman Bullermann to refer this item back to the Board of Public Works. Seconded by Alderman Gallagher.

Motion by Alderman Bullermann to withdraw the motion. Seconded by Alderman Gallagher and carried with Thomas and Ament voting “no”.

Upon voting on the original motion, the motion carried with Alderman Scheuble voting “no”.

**STORM WATER COMMITTEE - No Report**

**UTILITY COMMITTEE - No Report**

**LANDMARKS COMMISSION - No Report**

**SAFETY COMMISSION - No Report**

**TECHNOLOGY COMMITTEE - No Report**

**MAYORAL APPOINTMENTS**

**ACTION ON PUBLIC HEARINGS/None**

**REFERRALS, DEFERRALS AND TABLED ITEMS**

**Action on Public Hearings - H & R Equipment - 17770 W. National Ave. - Rezone from B-2 to B-3 - TABLED 5-8-01 - No Action**

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

**Plan Commission** - Honeyager - 3949 S. Sunnyslope Rd. - SE1/4 Sec. 14 - Three-Lot Preliminary Land Division - TABLED 2-12-02

Motion by Alderman Wilkens to remove this item from the table. Seconded by Alderman Chiovatero and carried with Alderman Ament voting “no”.

**Motion on the Floor:** Motion by Alderman Ament to approve the required by Honeyager for a three lot preliminary land division located at 3949 S. Sunnyslope Road subject to:

- 1) Lot 3 (a land-locked parcel) shall be labeled an Outlot. Lot shall be considered unbuildable unless combined with a lot or lots, which have public road access.
- 2) Payment of \$4,275.20 in Public Site, Open Space and Trail Fees required prior to signing the Final CSM.

Seconded by Alderman Wilkens.

Motion by Alderman Wilkens to refer this item back to the Plan Commission. Seconded by Alderman Ament and carried unanimously.

**Board of Public Works** - Reallocation of \$700,000 from the 2001 CIP Budget to Move These Monies to Resurfacing/Reconstruction Design of Grange Avenue - TABLED 2-12-02

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

**Motion on the Floor:** Motion by Alderman Bullermann to reallocate \$700,000 from the 2001 CIP fund for Coffee Road extension to an account for phased design of Grange Avenue improvements from 124<sup>th</sup> Street to Moorland Road and right of way purchase if necessary. All left over money to be used for CIP debt reduction. Preliminary conceptual plans subject to local resident review and recommendation. Seconded by Alderman Ament.

Motion by Alderman Bullermann to end debate. Seconded by Alderman Wilkens.

Alderman Bullermann withdrew the motion.

Motion by Alderman Bullermann to amend the motion so it reads: “. . .reallocate \$700,000 from the 2001 CIP funds for Coffee Road extension to remain within the CIP account for road projects”. Seconded by Alderman Gallagher.

Alderman Scheuble offered a Friendly Amendment to state: “Motion to Common Council to approve the reallocation of \$700,000 from the 2001 CIP funds for Coffee Road to an account which provides for 1) A phased engineering design consistent with the attached proposed typical urban cross section of Grange Avenue from 124<sup>th</sup> Street to Sunnyslope Road, 2) The resurfacing/reconstruction of Grange Avenue between Sunnyslope and Moorland Road, which is consistent with the unanimously approved Council action for Grange Avenue approved and passed

on September 26, 1996, and 3) Any safety enhancements which do not negatively impact neighboring properties. The preliminary conceptual plan subject to local resident review and recommendation, and all leftover money to be used for CIP debt reduction”.  
Friendly amendment NOT accepted.

Motion by Alderman Thomas to end debate. Seconded by Alderman Wilkens and carried with Aldermen Gallagher and Scheuble voting “no”.

Upon voting on the amendment, the motion carried with Alderman Scheuble voting “no”.

Motion by Alderman Thomas to end debate. Seconded by Alderman Bullermann and carried with Aldermen Gallagher and Scheuble voting “no”.

Upon voting on the motion as amended, the motion carried with Alderman Scheuble voting “no”.

Motion by Alderman Scheuble to recess for three minutes. Seconded by Alderman Wilkens and carried with Aldermen Bullermann, Thomas, and Gallagher voting “no”.

**Utility Committee** - Purchase Request by Menomonee Falls for Brookfield Treatment Plant Capacity - TABLED 2-12-02

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

**Motion on the Floor:** Motion by Alderman Gallagher to direct staff to enter into negotiations for sale of remaining capacity. Seconded by Alderman Ament. Upon voting, the motion carried unanimously.

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

**Resolutions and Ordinances - Ordinance No. 2166** “The Honeyager Planned Unit Development Overlay District” - TABLED 2-12-02

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

Motion by Alderman Wilkens to refer this item to the Plan Commission. Seconded by Alderman Thomas and carried unanimously.

**Resolutions and Ordinances - Ordinance No. 2167** “The Farrell Meadows Planned Unit Development Overlay District” - TABLED 2-12-02

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

Motion by Alderman Wilkens to refer this item to the Plan Commission. Seconded by Alderman Ament 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 February 12, 2002

### **UTILITY & FINANCE**

#### **Claims**

Approve payment of Water Utility Claims in the amount of \$115,882.78, Sewer Utility Claims in the amount of \$59,297.70, and Bi-weekly Claims in the amount of \$276,997.35, all of which represents payments to vendors.

### **LICENSES**

#### **Bartender Licenses**

Approve the Bartender Licenses for the year 2000-2002 to Dawn M. Adams, Brenda L. Bednarski, Angel J. Brahm, Nicholas D. Brunette, Stacy Buckley, Cheryl A. Schebert and Kevin D. Schmidt.

#### **Possible Action on Possible Midwest Power Litigation**

Authorize the City Attorney to sign the Memorandum of Understanding with Midwest Power.

Adopt Resolution No. 02-08 "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".

### **LICENSES**

#### **Appeal to Denial of Bartender License**

The Council has before it a one-page report of Nicolas J. Kehoe's application and past record.

Motion by Alderman Wilkens to recommend to Council to deny the Bartender License for the year 2000-2002 to Nicolas J. Kehoe based on the record before the Council, including underage alcohol violations. Seconded by Alderman Thomas and carried with Aldermen Gallagher, Scheuble and Ament voting "no".

#### **Bartender Licenses**

The Council has before it a two-page report of Farrah M. Corrao's application and past record.

Motion by Alderman Bullermann to recommend to Council to deny the Bartender License for the year 2000-2002 to Farrah M. Corrao based on the record before the Council, including controlled substance violation. Seconded by Alderman Thomas and carried with Alderman Scheuble voting "no".

Motion by Alderman Gallagher to recommend to Council approval of the Bartender License for the year 2000-2002 to Eric W. Kuenn. Seconded by Alderman Bullermann and carried with Alderman Thomas voting "no".

### **TABLED ITEMS**

#### **Transfer of Unused 2001 Road Maintenance Funds to Reserve Account**

Motion by Alderman Bullermann to recommend to Council to authorize the Director of Finance to set up a Reserve Account in the amount of \$198,362.00 to allow the transfer of unused 2001 Roadway Maintenance Funds and grant funds to be received as reimbursement. Seconded by Alderman Wilkens and carried unanimously.

**RESOLUTIONS AND ORDINANCES**

**Ordinance No. 2168 “An Ordinance to Amend the General Ordinances of the City of New Berlin, Wisconsin”**

City Clerk Weter gave the only necessary reading of Ordinance No. 2168.

Motion by Alderman Thomas to approve Ordinance No. 2168. Seconded by Alderman Chiovatero and carried with Alderman Scheuble voting “no”.

Motion by Alderman Gallagher to adjourn the meeting at 9:00 p.m. Seconded by Alderman Bullermann and carried unanimously.

**Judy Weter  
City Clerk**

JW/nh