

**Common Council Minutes  
October 23, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, October 23, 2001, at the New Berlin City Hall at 9:30 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Thomas, Gallagher, Scheuble, Wilkens, Chiovatero, and Ament. Also present were City Attorney Representative Robert Moodie, City Clerk Judy Weter, Director of Community Development Greg Kessler, Director of Planning Mark Lake, Associate Planners David Haines, City Engineer JP Walker, Police Captain Steve Morris, Acting Police Captain Frank Zsohar, and Director of Human Resources Tami Potkay.

**PRESENTATION:** Mayor Wysocki presented a Certificate of Recognition to Michele Niedziejko - 2001 Miss Wisconsin New Berlin American Sweetheart.

**Clerk's Report**

City Clerk Weter gave a Clerk's Report.

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

**Mayor's Report** - No Report

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

**COMMUNICATIONS**

**Communication from City Attorney Reilly - Recommendation for Denial of James Krause Claim**

Motion by Alderman Wilkens to deny the James Krause claim, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Ament and carried unanimously.

**Notice of Claim - Chelsea Krzyzanowski** - to City Attorney

**Notice of Claim - Gary J. Marine** - to City Attorney

**Communication from Claude Johnson re: Opposition to Proposed Density** - on File in Clerk's Office

**PLAN COMMISSION**

Alderman Ament reported from the meeting held on October 15, 2001:

**Hales Corners Lutheran Church - Rezoning for Senior Residence - 12455 W. Janesville Rd. - Senior Residence for Non-Assisted Care**

Motion by Alderman Ament to approve the request by Hales Corners Lutheran Church to rezone the property located at 12455 and 12555 W. Janesville Road from I-1 Institutional District and B-2 General Retail Sales and Service District to Steeple View Mixed Use Rm-1/I-1/PUD District,

subject to the application, plans on file, and the following:

- 1) Dedication of the Ultimate Right of Way of Janesville Road shall be required prior to final approval of this PUD.
- 2) A metes and bounds legal description of the outside boundary of the Rm-1/I-1/PUD property is required as an attachment to the PUD document.
- 3) Applicant shall be required to apply for and receive a Zoning Permit following a Use, Site and Architectural review and approval by the Plan Commission for this project. Use, site and Architectural Approval and Development Agreement are required prior to any clearing, grubbing, grading or change in use of the Rm-1/ I-1/ PUD parcel.

Seconded by Alderman Wilkens.

Motion by Alderman Scheuble to defer this item. Seconded by Alderman Gallagher.

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

Upon voting on the deferral, the motion failed with Aldermen Bullermann, Scheuble, and Ament voting "yes".

Motion by Alderman Scheuble to allow Ron Spears with HCLC to address the Council. Seconded by Alderman Gallagher and carried with Aldermen Bullermann and Thomas voting "no".

Upon voting on the original motion, the motion carried unanimously.

Motion by Alderman Ament to approve and adopt Ordinance No. 2158, "Steeple View Planned Unit Development Overlay District". Seconded by Alderman Thomas and carried unanimously.

**Michael Kolupar - 13725 W. Howard Ave. - Nw ¼ Sec. 24 - Two-Lot Land Division**

Motion by Alderman Ament to approve the request by Michael Kolupar for a two lot land division located at 13725 W. Howard Avenue subject to:

- 1) All lots shall meet the minimum requirements of §17.04(2)(5) R-4.5 Medium-Density Single-Family Residential District in its entirety.
- 2) Detailed road/infrastructure/stormwater/grading plans for the extension of Kolupar Lane to be approved by all regulating authorities prior to development of Parcel #2.
- 3) Sewer and water plans for the extension of Kolupar Lane to be approved by all regulating authorities prior to the development of Parcel #2.
- 4) Developer's Agreement for the extension of Kolupar Lane required for the development of Parcel #2.
- 5) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be

- provided underground.
- 6) Any future development or land division of Parcel #2 would require review and approval by Plan Commission and Common Council.
  - 7) All homes fronting on existing private road will require address changes to Kolupar Lane if road is extended as part of the development of Parcel #2.
  - 8) Existing shed shall be removed within one year of the City signing the Final CSM unless principle building is build on Parcel #2.
  - 9) Payment of \$2,137.60 in Public Site, Open Space and Trail Fees required prior to the City signing the final CSM.

Seconded by Alderman Chiovatero and carried with Aldermen Scheuble and Chiovatero voting "no".

**BOARD OF PUBLIC WORKS** - No Report

**STORM WATER COMMITTEE** - No Report

**UTILITY COMMITTEE** - No Report

**LANDMARKS COMMISSION** - No Report

**SAFETY COMMISSION** - No Report

**MAYORAL APPOINTMENTS** - None

**ACTION ON PUBLIC HEARINGS**

**2002 Budget**

Motion by Alderman Ament to table this item. Seconded by Alderman Chiovatero and carried unanimously.

**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 Report

**Civil Service Commission** - Office Coordinator Titles - TABLED 8-28-01

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

**Motion on the Floor:**

Motion by Alderman Wilkens to direct the City Attorney to prepare the proper ordinance modifying Section 4.04 and 4.18(3)(a) retitling the Office Coordinator Streets, Parks & Recreation and Office Coordinator Community Development to Administrative Coordinator. Seconded by Alderman Chiovatero. Upon voting, the motion carried with Aldermen Gallagher, Scheuble and Ament voting "no".

**Civil Service Commission** - Add Payroll Supervisor and Office Coordinator - Municipal Court to Civil Service - TABLED 8-28-01 - No Report

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

**Motion on the Floor:** Motion by Alderman Wilkens to direct the City Attorney to prepare the proper ordinance modifying Sections 4.04 and 4.18(3)(a) to add Payroll Supervisor, salary range 6 and Office Coordinator - Municipal Court, salary range 6. Seconded by Alderman Chiovatero. Upon voting, the motion carried with Aldermen Scheuble and Ament voting “no”.

### **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 16, 2001

### **UTILITY & FINANCE**

#### **Claims**

Approve payment of Water Utility Claims in the amount of \$150,556,70, Sewer Utility Claims in the amount of \$431,900.44, and Bi-weekly Claims in the amount of \$261,732.50, all of which represents payments to vendors.

### **LICENSES**

#### **Bartender Licenses**

Approve the Bartender License for the year 2000-2002 to Dawn A. Sundberg.

### **MISCELLANEOUS**

#### **Election Campaign Code of Conduct**

Direct the City Clerk to draft a “Candidates Code of Conduct” agreement to be implemented at all future elections.

#### **Proposed Amendment to Chapter 250 (Hotels, Motels, etc.) - Bail Amount**

Direct the City Attorney to draft the proper Ordinance to set bail for a violation of Municipal Code Section 9.30 (Now Chapter 250) in the amount of \$286.00.

#### **Police Fleet Purchase - 2002**

Recommend authorization for the Police Department to place the order for the 2002 Police vehicle replacements prior to November 16, 2001.

### **RESOLUTIONS AND ORDINANCES**

#### **Resolution No. 01-29 “Resolution Adopting a Joint Powers Agreement for the 911 Emergency System”**

Motion by Alderman Thomas to approve and adopt Resolution No. 01-29. Seconded by Alderman Ament and carried unanimously.

#### **Ordinance No. 2148 “Ordinance Repealing and Recreating Section 51-2(D) of the City of New**

**Berlin Municipal Code Pertaining to Committee of the Whole Meetings” (3<sup>rd</sup> Reading)**

City Clerk Weter gave the third and final reading of Ordinance No. 2148.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2148. Seconded by Alderman Chiovatero and carried with Alderman Scheuble voting “no”.

**Ordinance No. 2149 “Ordinance Repealing and Recreating Section 152-1(E) of the City of New Berlin Municipal Code Pertaining to Provisional Operator’s Licenses” (3<sup>rd</sup> Reading)**

City Clerk Weter gave the third and final reading of Ordinance No. 2149.

Motion by Alderman Thomas to approve and adopt Ordinance No. 2149. Seconded by Alderman Ament and carried unanimously.

**Ordinance No. 2156 “Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Creating Fire Inspector with a Salary Range of Seven” (1<sup>st</sup> Reading)**

City Clerk Weter gave the first reading of Ordinance No. 2156.

Motion by Alderman Gallagher to waive the second and third readings of Ordinance No. 2156. Seconded by Alderman Bullermann and carried with Aldermen Scheuble and Ament voting “no”.

Motion by Alderman Thomas to approve and adopt Ordinance No. 2156. Seconded by Alderman Ament and carried with Alderman Scheuble voting “no”.

**Ordinance No. 2157 “An Ordinance to Repeal and Recreate Section 261-4(B)(1) Prohibiting Parking on Streets in Industrial Parks” (1<sup>st</sup> Reading)**

City Clerk Weter gave the first reading of Ordinance No. 2157.

Motion by Alderman Chiovatero to waive the second and third readings of Ordinance No. 2157. Seconded by Alderman Bullermann and carried with Alderman Scheuble voting “no”.

Motion by Alderman Ament to approve and adopt Ordinance No. 2157. Seconded by Alderman Thomas and carried with Alderman Scheuble voting “no”.

**Possible Action on James Stirling Claim**

Motion by Alderman Wilkens to deny the James Stirling claim, per the recommendation of City Attorney Reilly. Seconded by Alderman Bullermann and carried with Alderman Ament voting “no”.

Motion by Alderman Ament to adjourn the meeting at 10:58 p.m. Seconded by Alderman Wilkens and carried unanimously.

**Judy Weter  
City Clerk**

JW/nh