

**Common Council Minutes
August 28, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, August 28, 2001, at the New Berlin City Hall at 9:06 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Thomas, Gallagher, Scheuble, Wilkens, Chiovatero, and Ament. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Director of Community Development Greg Kessler, Director of Planning Mark Lake, Associate Planner/Mapping Coordinator David Haines, Acting City Engineer JP Walker, and Director of Human Resources Tami Potkay.

Clerk's Report - No Report

Council President's Report - No Report

Mayor's Report

Mayor Wysocki gave a Mayor's Report.

City Attorney's Report - No Report

RESOLUTIONS AND ORDINANCES

Ordinance No. 2141 "An Ordinance Redistricting the Boundaries of the Seven Aldermanic Districts in the City of New Berlin" (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2141.

Motion by Alderman Thomas to approve and adopt Ordinance No. 2141. Seconded by Alderman Ament and carried with Aldermen Wilkens and Chiovatero voting "no".

PRESENTATION: Prospect Aide Society

RESOLUTIONS AND ORDINANCES

Ordinance No. 2143 "Ordinance Repealing and Recreating Section 4.18(3)(a) of the City of New Berlin Municipal Code to Designate Unclassified Service Personnel and to Change the Salary Range for Office Coordinator - Community Development to a Salary Range of Seven" (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2143.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2143. Seconded by Alderman Wilkens.

Motion by Alderman Bullermann to allow members of the Civil Service Commission to address the Council. Seconded by Alderman Chiovatero and carried unanimously.

Upon voting, the motion carried with Aldermen Gallagher and Ament voting "no".

Ordinance No. 2145 "Ordinance Repealing and Recreating Section 4.13(3)(a) of the City of New Berlin Municipal Code to Change the Salary Range for Director of Human Resources to Salary Range of Sixteen" (3rd Reading)

City Clerk Weter gave the third and final reading of Ordinance No. 2145.

Motion by Alderman Bullermann to approve and adopt Ordinance No. 2145. Seconded by Alderman Wilkens. Upon voting, the motion failed with Aldermen Bullermann, Wilkens, and Chiovaturo voting "yes".

COMMUNICATIONS

Notice of Claim - Robert Richards - to City Attorney

This item will be discussed in Closed Session.

PLAN COMMISSION

Alderman Ament reported from the meeting held on August 20, 2001:

Jacob & Ellen Neder - SE1/4 Sec. 29 - 5439 S. Egofske - One-Lot Final Land Division

Motion by Alderman Ament to approve the request by Jacob & Ellen Neder for a one-lot final land division located at SE 1/4 Sec. 29, 5439 S. Egofske Road subject to:

- 1) Public Site and Trail Fees of \$2,137.60 required prior to the City of New Berlin signing the Final CSM.
- 2) Owner and Surveyor required to sign prior to the City signing the Final CSM.

Seconded by Alderman Wilkens and carried unanimously.

John Casucci, Agent for Richard & Judith Mercier - 16060 W. Beloit Rd. - Ne ¼ Sec. 27 - One-Lot Final Land Division

Motion by Alderman Ament to approve the request by John Casucci, agent for Richard & Judith Mercier for a one-lot final land division located at 16060 W. Beloit Road, NE 1/4 Sec. 27 subject to:

- 1) Access permits required from the Waukesha County Department of Public Works for connection to Beloit Road.
- 2) Ownership of Outlots #1 and #2 shall be identified (name and address) and placed on face of CSM.
- 3) All owners to sign prior to City signing Final CSM.
- 4) Payment of \$2703.86 in Public Site, Open Space and Trail Fees required prior to the City signing the final CSM.
- 5) Conditions for Development of Outlot 1:
 - a) Field Delineation, surveying, and verification of all Wetlands, Primary and Secondary Environmental Corridors.
 - b) The northern tributary of Calhoun Creek (outfall from Regal West Subdivision and drainageway from Moorland Road) will require a review by the Wisconsin DNR and/or Army Corps of Engineers (ACOE) for its potential to be a navigable waterway.
 - c) Shoreland Zoning line shall be identified. The Flood Insurance Study for Calhoun Creek, November 6, 1996 shows that Outlot 1 is significantly encumbered by the 100-year recurring flood interval.
 - d) Detailed access road/infrastructure/stormwater/grading plans for any extension of Sovereign Drive to be approved by all regulating authorities.
 - e) Sewer and water plans for any extension of Sovereign Drive to be approved by all regulating authorities.
 - f) Any future development or land division would require review and approval by Plan Commission and Common

Council.

- 6) Drainage easement on Western side of Parcel 1 from Beloit Road to Calhoun Creek shall be required and placed on the face of the CSM.

Seconded by Alderman Thomas and carried with Alderman Scheuble voting "no".

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE - No Report

UTILITY COMMITTEE - No Report

(Alderman Bullermann left the meeting at 10:16 p.m.)

LANDMARKS COMMISSION

Alderman Scheuble reported from the meeting held on August 16, 2001:

Tans Drive and Crowbar Road - Wisconsin Rustic Road Status

Motion by Alderman Scheuble to endorse the nomination of Tans Drive and Crowbar Road for the State of Wisconsin Rustic Road Status. Seconded by Alderman Thomas.

Motion by Alderman Scheuble to allow Tom Gillespie to address the Council. Seconded by Alderman Thomas and carried unanimously.

Motion by Alderman Scheuble to table this item. Seconded by Alderman Gallagher and carried with Alderman Thomas voting "no".

Motion by Alderman Thomas to remove this item from the table. Seconded by Alderman Ament and carried with Alderman Gallagher voting "no".

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

SAFETY COMMISSION - No Report

CIVIL SERVICE COMMISSION

Office Coordinator Titles

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.

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

Ordinance Modification - Fire Chief

Motion by Alderman Ament to direct the City Attorney to prepare the proper ordinance modifying Sections 4.04 to add (13) Fire Chief and 4.18(3)(a) to add Fire Chief salary range 18. Seconded by Alderman Thomas and carried with Alderman Scheuble voting "no".

Add Payroll Supervisor and Office Coordinator - Municipal Court to Civil Service

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.

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

MAYORAL APPOINTMENTS

City Engineer

Motion by Alderman Scheuble to approve the appointment of John P. (JP) Walker as City Engineer. Seconded by Alderman Chiovatero and carried unanimously.

Civil Service Commission

Motion by Alderman Thomas to approve the appointment of Mark R. Jorgensen to the Civil Service Commission, with an expiration date of June 30, 2004. Seconded by Alderman Ament and carried unanimously.

Electrical Review Board

Motion by Alderman Ament to approve the reappointment of Richard J. Boya and Jack W. Dahlke to the Electrical Review Board, both with an expiration date of August 31, 2003. Seconded by Alderman Wilkens and carried unanimously.

Housing Authority

Motion by Alderman Ament to approve the reappointment of James F. Hinkle to the Housing Authority, with an expiration date of July 23, 2005. Seconded by Alderman Thomas and carried unanimously.

Youth Advisory Board

Motion by Alderman Scheuble to approve the appoint Mason Y. Fong to the Youth Advisory Board, with an expiration date of February 4, 2003. Seconded by Alderman Thomas and carried unanimously.

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

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 August 14, 2001

UTILITY & FINANCE

Claims

Approve payment of Water Utility Claims in the amount of \$119,685.34, Sewer Utility Claims in the amount of \$21,934.52, and Bi-weekly Claims in the amount of \$369,684.34, all of which represents payments to vendors.

LICENSES

Bartender License

Approve the Bartender License for the year 2000-2002 to Lisa M. Malucha.

MISCELLANEOUS

New Berlin's Ninth Annual Historic Day

Close National Avenue from Barton Road west to West Side Pub on Sunday, September 9, 2001, from 11:00 a.m. until 5:00 p.m.

Provisional Operator's Licenses

Direct the City Attorney to draft an Ordinance permitting the City Clerk to issue Provisional Operator's (Bartenders) licenses who have met the following criteria:

- 1) Application for an Operator's License must be on file with the City of New Berlin including either completion certificate or proof of enrollment in responsible beverage server class.
- 2) Payment of \$15 fee. No refunds of provisional application fee will be issued if provisional license is denied because of discrepancies between application and police records.
- 3) Background check from Police Department indicates NO alcohol or drug related convictions in last 5 years. This includes D.U.I, open intoxicants, possession of paraphernalia, underage drinking, serving minors.

LICENSES

Appeal to Denial of Bartenders License

The Council has before it a 1-page report of Jennifer M. Gnas' application and past record.

Motion by Alderman Bullermann to approve the Bartender License for the year 2000-2002 to Jennifer M. Gnas. Seconded by Alderman Scheuble and carried with Aldermen Thomas and Gallagher voting "no".

Bartender Licenses

The Council has before it a 1-page report of Ron D. Schuckert's application and past record.

Motion by Alderman Gallagher to deny the Bartender License to Ron D. Schuckert, based on the record before the Council. Seconded by Alderman Wilkens and carried with Alderman Scheuble voting "no".

The Council has before it a 1-page report of Angi L. Stark's application and past record.

Motion by Alderman Wilkens to approve the Bartender License for the year 2000-2002 to Angi L. Stark. Upon voting, Aldermen Scheuble, Wilkens, and Chiovatero voted "yes", Aldermen Thomas, Gallagher, and Ament voted "no". Tie vote. Mayor Wysocki voted "yes", motion carried.

MISCELLANEOUS

Ordinance Amendment for Meetings/Committee of the Whole Meeting

Motion by Alderman Bullermann to direct the City Attorney to draft an Ordinance amending Municipal Code 51-2 to reflect the four year old practice of conducting Committee of the Whole meetings prior to Council meetings on the 2nd and 4th Tuesdays of each month. Seconded by Alderman Wilkens. Upon voting, Aldermen Thomas, Wilkens, and Chiovatero voted "yes", Aldermen Gallagher,

Scheuble, and Ament voted "no". Tie vote. Mayor Wysocki voted "yes", motion carried.

Motion by Alderman Thomas to move into Closed Session. Seconded by Alderman Gallagher. Upon voting, Alderman Thomas voted "yes", Alderman Gallagher voted "yes", Alderman Scheuble voted "yes", Alderman Wilkens voted "yes", Alderman Chiovatero voted "yes", and Alderman Ament voted "yes".

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 is or likely to become involved.

- Highland Memorial Park Water Main Assessment -

- Robert Richards Claim -

Motion by Alderman Thomas move into Open Session. Seconded by Alderman Gallagher and carried unanimously.

OPEN SESSION

Possible Action on Robert Richards Claim

Motion by Alderman Ament to authorize settlement of the Robert Richards Claim in an amount not to exceed \$3,584.66. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Wilkens to adjourn the meeting at 11:25 p.m. Seconded by Alderman Chiovatero and carried unanimously.

**Judy Weter
City Clerk**

JW/nh