

**Common Council Minutes
July 17, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, July 17, 2001, at the New Berlin City Hall at 7:54 P.M.

Present were Mayor Wysocki, Aldermen Thomas, Gallagher, Scheuble, Wilkens, Chiovatero, and Ament. Also present were City Attorney Mark Blume, City Clerk Judy Weter, Director of Finance and Utilities Mike Holzinger, Director of Community Development Greg Kessler, Director of Planning Mark Lake, Associate Planner/Mapping Coordinator David Haines, Acting City Engineer JP Walker, Division Engineer Larry Wilms, Associate Planner Nikki Jones, Division Engineer John Graber, Building Maintenance Supervisor Bob Schulpius, Division Engineer Mark Handzlik, and Human Resource Director Tami Potkay. Excused was Alderman Bullermann.

PRESENTATION to the New Berlin Eisenhower High School Girls Softball Team in Honor of Their Qualification to Participate in the State Championship

PRESENTATION to the New Berlin West and Eisenhower High Schools Girls' Soccer Teams in Honor of Their 1st Place Tie in the Woodland Conference Championship

Motion by Aldermen Scheuble to resume the Committee of the Whole meeting at 8:10 PM. Seconded by Aldermen Wilkens and carried unanimously.

The Common Council Meeting resumed at 9:00 PM

Clerk's Report

City Clerk Weter gave a Clerk's Report.

Council President's Report – No Report

Mayor's Report

Mayor Wysocki gave a Mayor's Report.

City Attorney's Report - No Report

COMMUNICATIONS

Communication from Evan Doughty re: Stormwater Drainage

Motion by Alderman Gallagher to deny the Evan Doughty claim, per the recommendation of City Attorney Reilly. Seconded by Aldermen Ament.

Motion by Alderman Scheuble to defer this to the City Attorney. Seconded by Aldermen Wilkens. Tie vote, Mayor voted "no", motion failed.

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

Various Communications re: Waiver of Property Tax Penalty/Response from Director of

Finance and Utilities

Motion by Alderman Gallagher to deny the waivers of Property Tax Penalty for A&A Manufacturing Co., Lakshman Gummadi, Janice J. Hooker, Mark and Vicki Latus, and Hal's Harley Davidson. Seconded by Alderman Ament and carried unanimously.

Communication re: Assessment of Personal Property Tax - Bartlett's Restaurant/Response from City Attorney – To City Attorney

Reconsideration Request from Alderman Chiovero re: Resolution No. 01-16 Adopting Wards/Revise and Adopt Amended Resolution No. 01-16

Motion by Alderman Chiovero to reconsider Resolution No. 01-16. Seconded by Alderman Thomas and carried with Aldermen Scheuble and Wilkens voting "no".

Motion by Alderman Bullermann to approve and adopt Resolution No. 01-16. Seconded by Alderman Gallagher.

Motion by Alderman Wilkens to defer Resolution No. 01-16. Seconded by Alderman Scheuble. Tie vote. Mayor voted "yes", motion carried.

PLAN COMMISSION

CDBG Program Participation Renewal

Motion by Alderman Thomas to approve the automatic renewal of the City of New Berlin's CDBG Cooperation Agreement for the period of January 1, 2002 through December 31, 2003. Seconded by Alderman Wilkens and carried unanimously.

Alderman Ament reported from the meeting held on July 9, 2001:

GDMP Plan, Chapter 17 (Including NR135 - Sec. 275.9) Chapter 18, and Related Map Revisions/Non-Metallic Reclamation Ordinance

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

West National Avenue Redevelopment Fiscal Analysis - Contract/Resolution No. 01-21

Motion by Alderman Ament to allow the Department of Community Development to hire Geoff Hurtado of Hurtado Consulting to prepare a fiscal land use analysis containing different land use options for the West National Avenue Redevelopment Corridor. Seconded by Alderman Wilkens. Upon voting, motion failed with Wilkens and Chiovero voting "yes".

Moorland Road PUD - 2840-2900 S. Moorland Rd. - Rezoning for a Residentially Scaled Mixed Use - Office/Senior Care Center/Single-Family Residential Development

Motion by Alderman Ament to direct the Plan Commission to hold a public hearing relative to the rezoning and make a recommendation for action to Council. Seconded by Alderman Thomas and carried unanimously.

A Plan Commission Public Hearing was scheduled for August 20, 2001 at 7:00 PM.

Jacob & Ellen Neder - Se 1/4 Sec. 29 - 5439 S. Egofskes - Two-Lot Preliminary Land

Division

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

- 1) Per § 17.04 (2) (D), table #2, minimum lot width shall be 110’.
- 2) Existing well and septic field locations to be field located and labeled and shall meet all required setbacks of remnant lot.
- 3) Sanitary Permit required prior to submittal of final CSM.
- 4) Public Site, Open Space and Trail Fees of \$2,137.60 required prior to the City of New Berlin signing the Final CSM.
- 5) Owner and Surveyor required to sign prior to the City signing the Final CSM.
- 6) Lot shall be split equally. 110 ft. front and rear.

Seconded by Alderman Scheuble and carried with Alderman Gallagher voting “no”.

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

Motion by Alderman Ament to direct the Plan Commission to hold a public hearing relative to the rezoning and make a recommendation for action to Council. Seconded by Alderman Wilkens and carried unanimously.

A Plan Commission Public Hearing was scheduled for August 20, 2001 at 7:01 PM.

Forest Pointe East - 14602 W. Beloit Rd. - 104 Condominium Units - Conceptually Rezone from I-1 to Rm-1/PUD

Motion by Alderman Ament to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Alderman Scheuble and carried unanimously.

BOARD OF PUBLIC WORKS

Alderman Chiovero reported from the meeting held on July 2, 2001:

Release of Interest of City Land - Honey Lane

Motion by Alderman Chiovero to direct the City Attorney to prepare the proper resolution to release the City’s interest in the above captioned properties. Seconded by Alderman Ament and carried unanimously.

Alderman Chiovero then reported from the meeting held on July 17, 2001

2001 Pulverizing, Asphalt Resurfacing and Base Patch/Award of Contract

Motion by Alderman Chiovero to approve award of construction contract for the 2001 Pulverizing Asphalt Resurfacing and Base Patch Repair Project to the lowest responsive bidder, Paving Mix & Construction Co., in the amount of \$469,569.75 for Project No. R-01-01.

Seconded by Alderman Scheuble and carried unanimously.

National Avenue Side Path Project - Phase II/Award of Contract

Motion by Alderman Chiovero to approve construction contract for Phase II of the National Avenue Side Paths to the lowest responsive bidder, Capitol Pavers, in the amount of \$768,438.20 for Project No. R-02-01. Seconded by Alderman Ament and carried with Aldermen Gallagher

and Scheuble voting “no”.

Phase II Manhole Rehabilitation/Award of Contract

Motion by Alderman Chiovatero to approve award of construction contract A to the lowest responsive, responsible bidder, In the amount of \$40,000 for Project #K-344, and waive any irregularities, for a total project cost in the amount of \$1,262,500 to be funded by Wastewater Utility Account #831.04. Seconded by Alderman Wilkens motion carried with Alderman Gallagher voting “no”.

STORM WATER COMMITTEE

Alderman Gallagher reported from the meeting held this evening:

Concrete Invert Policy

Motion by Alderman Gallagher to direct the Board of Public Works to amend the Concrete Invert Policy to allow for the installation of concrete invert in areas where the flow line of the ditch is greater then 4% or less than 1.25%, regardless of whether it is a replacement, an in-fill or new invert. Seconded by Alderman Thomas and carried unanimously.

UTILITY COMMITTEE - No Report

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

TECHNOLOGY COMMITTEE - No Report

MAYORAL APPOINTMENTS/None

ACTION ON PUBLIC HEARINGS

Motion Health & Wellness Center - 14985 W. Beloit Rd. - Rezone A-2 to O-2 - Wellness Center - Revised Plans

Motion by Alderman Wilkens approve the request by Motion Health & Wellness Center to rezone the property located at 14985 W. Beloit Road from A-2 to O-2 subject to the following:

- 1) Legal description of lands to be rezoned to O-2, legal descriptions of field delineated wetlands and secondary environmental corridor required prior to writing of ordinance.
- 2) Use, Site and Architectural approval required for any modifications to the existing use or structures on the property.

Seconded by Alderman Chiovatero and carried with Alderman Ament voting “no”.

REFERRALS, DEFERRALS AND TABLED ITEMS

Utility Committee - Water Utility Rate Increase - TABLED 4-10-01- No Report

Action on Public Hearings - Ordinance to Establish Stormwater Utility Rates

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

Motion by Alderman Gallagher to defer this item. Seconded by Alderman Thomas and carried unanimously.

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

Utility Committee - Sand and Gravel Geophysical Study - DEFERRED 6-19-01

Motion by Alderman Gallagher to approve authorization for City Engineer to secure necessary Professional and Well Drilling Services and to negotiate a suitable agreement with the property owner to acquire the necessary land interests for a test well and to drill a test well for the Water Utility for a cost not to exceed \$85,000, that will be funded by Water Utility Account #923.42. Seconded by Alderman Chiovaturo and carried with Aldermen Gallagher and Scheuble voting “no”.

Safety Commission - Hope St. Cut Through in to Kelly Point Subdivision - DEFERRED 6-19-01

Motion by Alderman Chiovaturo to direct the City Attorney to draft a resolution to post signs at the appropriate locations. Seconded by Alderman Thomas and carried unanimously.

CONSENT AGENDA

Motion by Alderman Wilkens, seconded by Alderman Chiovaturo carried unanimously to approve the following items from the consent agenda:

MINUTES

Minutes of the Common Council Meeting held on June 19, 2001

UTILITY & FINANCE

Claims

From June 27, 2001:

Approve payment of Water Utility Claims in the amount of \$44,571,87; Sewer Utility Claims in the amount of \$85,347.02, and Bi-weekly Claims in the amount of \$568,865.28, all of which represents payments to vendors.

From July 11, 2001:

Approve payment of Water Utility Claims in the amount of \$104,154,77; Sewer Utility Claims in the amount of \$332,977.91, of which \$272,827.72 represents payments to MMSD, and the remainder amount of \$60,105,19 represents payments to vendors; and Bi-weekly Claims in the amount of \$876,737.34, all of which represents payments to vendors.

LICENSES

Bartender Licenses

Approve the Bartender License for the year 2000-2002 to Shelly A. Hawro, Jennifer L. Kamke, Kevin B. Pitt, Christopher J. Suess, Lindsey A. Wehr, Sandra J. Werth, and Lisa M. Winkler.

Agent Change - “Class B” Retailers License

Approve the change of Agent on record for AMF New Berlin Lanes and Banquet Center, 16000 W. Cleveland Ave., to Bart J. Liegeois.

MISCELLANEOUS

Waste Disposal Services

Award the contract for waste disposal services for the City of New Berlin facilities to Waste Management Inc. in the amount of \$300/month.

Fire Station #5 Roof Replacement

Award the contract for the roof replacement at Fire Station #5 to M.M. Schranz Roofing, Inc. in the amount of \$64,648.

1999 Wisconsin Act 11 Employer Credit

Apply the Act 11 credit of \$193,654.84 to the City's Wisconsin Retirement System Unfunded Retirement Liability.

Brookfield Road Extension/Resolution No. 01-19

Recommend Resolution No. 01-19 to Council.

LICENSES

Bartender Licenses

The Council has before it a 1-page report of David G. Wujcik's application and past record.

Motion by Alderman Wilkens to approve a Bartender License to David G. Wujcik, to expire June 30, 2002. Seconded by Alderman Gallagher and carried with Alderman Thomas and Chiovatero voting "no".

MISCELLANEOUS

Benefits for Fire Chief

Motion by Alderman Ament to authorize to extend the following benefits to the new Fire Chief: four weeks vacation starting January 1, 2002, five weeks of vacation after 7 years of service, and holiday pay identical to that the Police Chief receives. Seconded by Alderman Thomas and carried with Aldermen Gallagher and Scheuble voting "no".

Banding Position of Fire Inspector

Motion by Alderman Ament to approve the banding for the position of Fire Inspector at C-4-1, and to direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Thomas and carried with Aldermen Gallagher and Scheuble voting "no".

RESOLUTIONS AND ORDINANCES

Resolution No. 01-19 "Request for Reconsideration of Brookfield Road Extension"

Motion by Alderman Gallagher to approve and adopt Resolution No. 01-19. Seconded by Alderman Ament and carried unanimously.

Ordinance No. 2140 "Ordinance Amending Section 4.04 of the City of New Berlin Municipal Code Adding the Positions of Administrative Secretary - Fire Department and Human Resources Clerk" (2nd Reading)

City Clerk Weter gave the second reading of Ordinance No. 2140.

Ordinance No. 2141 "An Ordinance Redistricting the Boundaries of the Seven Aldermanic Districts in the City of New Berlin" (2nd Reading)

City Clerk Weter gave the second reading of Ordinance No. 2141.

Ordinance No. 2143 “Ordinance Repealing and Recreating Section 4.18(3)(1) 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” (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2143.

Motion by Alderman Thomas to waive the 2nd and 3rd readings. Second by Alderman Wilkens. Upon voting, Aldermen Scheuble voted “no”. A $\frac{3}{4}$ vote of majority of council is necessary, motion failed.

Ordinance No. 2144 “Ordinance Repealing and Recreating Section 4.18(3)(1) of the City of New Berlin Municipal Code to Add the Position of Office Coordinator - Finance and Utilities with a Salary Range of Five” (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2144.

Motion by Alderman Thomas to waive the 2nd and 3rd readings. Second by Alderman Gallagher and carried unanimously.

Motion by Alderman Thomas to approve and adopt Ordinance No. 2144. Seconded by Alderman Wilkens. Tie vote. Mayor voted “yes”, motion carried.

Ordinance No. 2145 “Ordinance Repealing and Recreating Section 4.18(3)(1) of the City of New Berlin Municipal Code to Change the Salary Range for Director of Human Resources to Salary Range of Sixteen” (1st Reading)

City Clerk Weter gave the first reading of Ordinance No. 2145.

Motion by Alderman Scheuble to adjourn the meeting at 12:37 a.m. Seconded by Alderman Thomas and carried unanimously.

**Judy Weter
City Clerk**

JW/re