

**Common Council Minutes
May 8, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, May 8, 2001, at the New Berlin City Hall at 8:46 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, 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, CD Office Coordinator Kaye Giesege, City Engineer Jeff Chase, Mayor's Executive Assistant Jennifer Johnson, and Director of Finance and Utilities Mike Holzinger.

Appointment and Installation of District #2 Alderman

City Clerk Weter read Council Rule 34, indicating the procedure of appointment to an aldermanic vacancy.

A vote was taken, applicant John Trizis received 3 votes from Aldermen Bullermann, Wilkens and Chiovatero, and applicant Matt Thomas received 3 votes from Aldermen Gallagher, Scheuble, and Ament, a tie vote. Mayor Wysocki breaks the tie, voting for Matt Thomas. Matt Thomas is elected Alderman of the 2nd District.

Municipal Judge Joseph Dorlack installed Matt Thomas as District 2 Alderman.

Alderman Thomas took his seat, and made some comments, thanking the Council for this opportunity.

Election of Council President

Motion by Alderman Wilkens to nominate Alderman Tom Bullermann as Council President.
Seconded by Alderman Chiovatero.

Motion by Alderman Gallagher to nominate Alderman Paul Scheuble as Council President.
Seconded by Alderman Ament.

A vote was taken, Alderman Bullermann received 5 votes, Alderman Scheuble received 2 votes. Alderman Bullermann is elected Council President.

Clerk's Report

City Clerk Weter gave a Clerk's Report.

Council President's Report

Appointments to Boards and Commissions

Council President Bullermann made the following Appointments:

2001 Committee Assignments:

Crime Prevention - Ald. Gallagher

Electrical Review Board - Ald. Thomas

Fire Department - Ald. Bullermann
Fourth of July - Ald. Ament
Golf Course Committee - Ald. Wilkens
Housing Authority - Ald. Thomas
Landmarks Commission - Ald. Scheuble
Library - Ald. Wilkens
Park & Rec - Ald. Gallagher
Board of Public Works - Ald. Scheuble, Chiovero, and Ament
Safety Commission - Ald. Chiovero
School Board - Ald. Scheuble
Technology Committee - Ald. Bullermann, Gallagher and Wilkens
Utility Committee - Ald. Thomas, Gallagher, and Ament

2001 COW Liaison Assignments:

Assessor - Ald. Chiovero
Buildings and Grounds - Ald. Wilkens
Community Development - Ald. Ament
Finance/Claims/Judiciary - Ald. Wilkens
Human Resources - Ald. Bullermann
Information Systems - Ald. Chiovero
Insurance - Ald. Bullermann
Legislative - Ald. Scheuble
Licenses - Ald. Chiovero
Park & Recreation Dept. - Ald. Gallagher
Police Dept - Ald. Wilkens
Utilities - Ald. Ament

Council Goals

Alderman Bullermann then discussed Council Goals, reviewing past goals and indicating that the current Council's goals will be placed on a future agenda for discussion.

Mayor's Report

Mayor Wysocki gave a Mayor's Report.

City Attorney's Report - No Report

COMMUNICATIONS

Communication from City Clerk Weter re: Official Newspaper - On File in Clerk's Office

Communication from New Berlin Ecology Association re: Preservation of Wetlands and Water Well in Johnson Park - Referred to Plan Commission and Parks & Recreation Commission

Communication from Customer Service Committee re: 2001/2002 Committee Goals - On File in Clerk's Office

PLAN COMMISSION

Alderman Ament reported from the meeting held on May 7, 2001:

VIC (Visual Interactive Code) Contract

Motion by Alderman Ament to approve the contract with Visual Interactive Communications Group for \$35,000.00. Seconded by Alderman Bullermann and carried unanimously.

Brian Felda - 3280 S. Wehr Rd. - Ne 1/4 Sec. 17 - Final Two-Lot Land Division

Motion by Alderman Ament to approve the request by Brian Felda for a final two lot land division located at 3280 S. Wehr Road, NE 1/4 Sec. 17 subject to:

- 1) Deed restriction on western two lots (parcels 1 and 2) to read "New septic field required on parcel 1 (middle lot) prior to building permits being issued on parcel 2 (western lot). Septic field of existing home intended to be used for newly created parcel 2.
- 2) Public Site and Trail Fees of \$2,000 required prior to the City of New Berlin signing the final CSM.
- 3) Owner and Surveyor required to sign prior to the City signing the Final CSM.
- 4) Parcel 2 and 3 Driveways with T-turnarounds are required.
- 5) Driveways to be located to minimize sight distance problems.
- 6) Grading/drainage plan to be approved by Engineering prior to building permits being issued. Drainage swale shall be constructed to City standards prior to building permits being issued. A 30' drainage easement is required.

Seconded by Alderman Wilkens and carried with Alderman Gallagher voting "no".

Anders Lewis - 2880 S. Amor Dr. - SW 1/4 Sec. 7 - Final Land Division

Motion by Alderman Ament to approve the request by Anders Lewis for a final land division located at 2880 W. Amor, SW 1/4 Sec. 7 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.

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

CUSTOMER SERVICE COMMITTEE

Customer Service Training Contract for City Employees

Motion by Alderman Wilkens to approve the Professional Contract and Proposed Implementation Plan with Personnel Dynamics/Wilson Learning/Organizational Concepts International in the amount of \$45,934 plus miscellaneous expenses not to exceed \$2,000, for a total of \$47,934, with funding from a previously approved Customer Service Committee budget for such services. Seconded by Alderman Thomas and carried with Alderman Scheuble voting "no".

MAYORAL APPOINTMENTS

Board of Appeals

Motion by Alderman Wilkens to approve the appointment of James L. Klappa to the Board of Appeals, with an expiration date of April 30, 2002. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Wilkens to approve the reappointment of John J. Goetter to the Board of Appeals, with an expiration date of April 30, 2004. Seconded by Alderman Ament and carried unanimously.

Landmarks Commission

Motion by Alderman Wilkens to approve the appointment of Barbara Zacher to the Landmarks Commission, with an expiration date of October 1, 2001. Seconded by Alderman Ament and carried unanimously.

ACTION ON PUBLIC HEARINGS

Danny Road Vacation/Resolution No. 01-09

Motion by Alderman Wilkens to approve and adopt Resolution No. 01-09 "A Resolution Vacating a Portion of Danny Road and Transferring Ownership Thereof to the Adjacent Owners". Seconded by Alderman Scheuble and carried unanimously.

H & R Equipment Co., LLC - 17770 W. National Ave. - Rezone from B-2 to B-3

Motion by Alderman Kaminski to approve the request by H & R Equipment to rezone the property located at 17770 W. National Avenue from B-2 to B-3 subject to:

- 3) Submittal of a CSM legally describing the Conservancy Overlay required. CSM shall clean up adjacent road reservation used for storage of equipment.
- 4) Use, Site and Architectural approval required for any modifications to the use or structures on the property.
- 5) Sign permits required for any modifications to the signs on the property.

Seconded by Alderman Patzer.

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

REFERRALS, DEFERRALS AND TABLED ITEMS

Utility Committee - Water Utility Rate Increase - TABLED 4-10-01
Action on Public Hearings - Ordinance to Establish Stormwater
Utility Rates - TABLED 4-10-01
Ordinance No. 2139 "An Ordinance to Rezone the Property at 17720
West Lincoln Avenue (Jacob's Ridge Rezoning)" - TABLED 4-10-01

CONSENT AGENDA

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

MINUTES

Minutes of the Common Council Meeting held on April 24, 2001

UTILITY & FINANCE

Claims

Approve payment of Water Utility Claims in the amount of \$151,700.40, Sewer Utility Claims in the amount of \$70,590.13, and Bi-weekly Claims in the amount of \$419,268.42, all of which represents payments to vendors.

LICENSES

Bartender Licenses

Approve Bartender Licenses for the year 2000-2002 to Laura M. Bargamian, Nicole M. Cervero, Jennifer L. Duller, Jean M. Dunks, Susana A. Pena, Nicole M. Ringsby, Gaetano A. Verdone and Valerie J. Williamson.

Amendment to "Class B" Retailers License

Approve amendment to the "Class B" Retailers License to include the "Parking Lot Area" for Matty's Bar & Grille, 14460 W. College Ave., on Friday, August 17, 2001 from 3:00 p.m. to 1:00 a.m. (Live music from 8:00 p.m. to 12:00 a.m.), Saturday, August 18, 2001 from 12:00 p.m. to 1:00 a.m. (Live music from 1:00 p.m. to 12:00 a.m.), and Sunday, August 19, 2001 from 12:00 p.m. to 1:00 a.m. (Live music from 1:00 p.m. to 11:00 p.m.). Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment and/or live music. Also contingent upon approval of 2001 "Class B" Retailers License.

MISCELLANEOUS

Update Bank Signature Cards

Authorize the Mayor, City Clerk and Director of Finance to sign Bank resolutions and signature cards to update changes in staffing.

Waukesha County Blue Chip Incentive Grant Application/Resolution No. 01-11

Recommend Resolution No. 01-11 to Council, supporting the New Berlin Economic Development Corporation's application for a Waukesha County Economic Development Corporation Blue Chip Incentive Grant.

MISCELLANEOUS

2001 Stormwater Improvement Projects

Motion by Alderman Wilkens to add the 2001 Stormwater Improvement Projects totaling \$640,000 to the approved 2001 Capital Improvement Program budget. Seconded by Alderman Chiovatero and carried with Alderman Ament voting "no".

Setting a Sale Date and Terms for 2001 Promissory Notes/Resolution No. 01-10 "Resolution Authorizing Ehlers & Associates, Inc. to Solicit Bids for \$4,925,000 General Obligation Promissory Notes, Series 2001 of the City of New Berlin, Wisconsin"

Motion by Alderman Bullermann to recommend Resolution No. 01-10 to Council, providing for the sale of the 2001 Capital Improvement Program (CIP) General Obligation Promissory Notes and Refunding of the 1992 General Obligation Refunding Bonds setting the dates and terms of the issue. Seconded by Alderman Wilkens. Upon voting, the motion carried with Alderman Thomas voting present.

RESOLUTIONS AND ORDINANCES

Resolution No. 01-10 "Resolution Authorizing Ehlers & Associates, Inc. to Solicit Bids for \$4,925,000 General Obligation Promissory Notes, Series 2001 of the City of New Berlin, Wisconsin"

Motion by Alderman Bullermann to approve and adopt Resolution No. 01-10. Seconded by Alderman Wilkens and carried unanimously.

Resolution No. 01-11 "A Resolution Supporting Application for the Waukesha County Economic Development Corporation Blue Chip Incentive Grant"

Motion by Alderman Bullermann to approve and adopt Resolution No. 01-11. Seconded by Alderman Wilkens and carried unanimously.

Resolution No. 01-12 "Initial Resolution Regarding Industrial Development Revenue Bonds on Behalf of Southwest Metal Finishing, Inc. and S & F Limited Liability Company of Wisconsin"

Motion by Alderman Bullermann to approve and adopt Resolution No. 01-12. Seconded by Alderman Scheuble and carried unanimously.

Resolution No. 01-13 "Resolution Waiving Certain Statutory Requirements for Industrial Development Revenue Bond Project on Behalf of Southwest Metal Finishing, Inc. and S & F Limited Liability Company of Wisconsin"

Motion by Alderman Wilkens to approve and adopt Resolution No. 01-13. Seconded by Alderman Chiovatero and carried unanimously.

Ordinance No. 2137 "Ordinance Repealing and Recreating Section 4.18(3)(a) of the City of New Berlin Municipal Code to Designate Unclassified Service Personnel; to Change the Salary Range for Director of Human Resources to Salary Range of Sixteen; to Change the Salary Range for Office Coordinator - Community Development to a Salary Range of Seven; and to Add the Position of Office

Coordinator - Finance and Utilities with a Salary Range of Five (3rd Reading)
City Clerk Weter gave the third and final reading of Ordinance No. 2137.

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

Motion by Alderman Bullermann to move into Closed Session. Seconded by Alderman Chiovatero. Upon voting, Alderman Bullermann voted "yes", 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) & (c) 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.

- Sperka Claim -

- MMT Litigation -

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(c) of the Wisconsin State Statutes.

- c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

- Employment of Acting Fire Chief -

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

OPEN SESSION

Possible Action on Sperka Claim

Motion by Alderman Ament to provide payment of the Sperka Claim in the amount of \$990, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Bullermann and carried unanimously.

Possible Action on MMT Litigation

Motion by Alderman Scheuble to settle the MMT Litigation in the amount of \$4,272 to resolve both claims, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Ament and carried

unanimously.

Motion by Alderman Scheuble to adjourn the meeting at 11:10 p.m.
Seconded by Alderman Wilkens and carried unanimously.

Judy Weter
City Clerk

JW/nh