

**Common Council Minutes  
April 24, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, April 24, 2001, at the New Berlin City Hall at 7:58 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, Associate Planner/Mapping Coordinator David Haines, Associate Planner Olofu Agbaji, Division Engineer Mark Handzlik, Director of BIZ Bob Sigris, and Building Maintenance Manager Bob Schulpus.

**Clerk's Report**

City Clerk Weter gave a Clerk's Report.

**Council President's Report**

**Election of Plan Commission Member**

Motion by Alderman Bullermann to nominate Alderman David Ament as the Plan Commission Representative. Seconded by Alderman Wilkens.

Motion by Alderman Gallagher to nominate Alderman Paul Scheuble as the Plan Commission Representative. Seconded by Alderman Scheuble.

A vote was taken, Alderman Ament received 5 votes, Alderman Scheuble received 1 vote. Alderman Ament is elected Plan Commission Representative.

**Mayor's Report**

Mayor Wysocki gave a Mayor's Report.

**City Attorney's Report**

City Attorney Reilly gave a City Attorney's Report, indicating that the Mayor was not to vote on the Council President at the April 17<sup>th</sup> Council Meeting to break the tie vote, therefore the vote is void. The Election of Council President will take place at the May 8<sup>th</sup> Council Meeting.

**COMMUNICATIONS**

**Communication from Midwest Power, LLC re: Notice of Assignment and Novation of Rights and Obligations - On File in Clerk's Office**

Attorney Reilly noted that Midwest Power does have the right to do this, the assignee must adhere to all the same terms and conditions of the Development Agreement that Midwest Power did, so they do assume all rights and obligations, which include all the liability obligations of Midwest Power.

**Notice of Claim - Thomas Schamens - On File in Clerk's Office**

**PLAN COMMISSION**

From the meeting held on April 16, 2001:

**Rural Commercial Design Guidelines**

This item was brought to Council for informational purposes only, no council action is necessary, will be placed on file in Clerk's Office.

**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**

**MAYORAL APPOINTMENTS**

Motion by Alderman Bullermann to approve the following Mayoral Appointments:

**Board of Appeals**

Reappoint Sally J. Boya and Brian H. Loohuis to the Board of Appeals, both with an expiration date of April 30, 2004.

**Customer Service Committee**

Reappoint Rush D. Wilkens and Jack F. Chiovero to the Customer Service Committee, both with an expiration date of April 30, 2002.

**Fire & Police Commission**

Reappoint John N. Pedersen to the Fire & Police Commission, with an expiration date of April 30, 2006.

**Handicapped Persons Appeals Committee**

Appoint Jack Chiovero to the Handicapped Persons Appeals Committee, with an expiration date of April 30, 2002.

**Housing Authority**

Appoint Steven R. Battenberg to the Housing Authority, with an expiration date of July 23, 2004.

**Landmarks Commission**

Appoint William Bowers to the Landmarks Commission, with an expiration date of October 1, 2002.

**Parks & Recreation Commission**

Reappoint Richard L. Kocchi to the Parks & Recreation Commission, with an expiration date of April 30, 2004.

Appoint Larry A. Kilmer to the Parks & Recreation Commission, with an expiration date

of April 30, 2004

**Plan Commission**

Appoint Brian Teclaw to the Plan Commission, with an expiration date of April 30, 2004.

**Safety Commission**

Reappoint Debra A. Schenk, Stephen R. Bartelt, and James L. Polczynski to the Safety Commission, all with an expiration date of April 30, 2003.

**Special Assessment Review Committee**

Reappoint Dennis E. Winchell to the Special Assessment Review Committee, with an expiration date of April 1, 2004.

**Weed Commissioner**

Reappoint Duane Hause as the Weed Commission, with an expiration date of April 30, 2002.

Seconded by Alderman Wilkens.

Motion by Alderman Wilkens to separate the question of appointments. Seconded by Alderman Bullermann and carried unanimously.

**Board of Appeals**

Motion by Alderman Bullermann to approve the appointment of Sally J. Boya to the Board of Appeals, with an expiration date of April 30, 2004. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Scheuble to approve the appointment of Brian H. Loohuis to the Board of Appeals, with an expiration date of April 30, 2004. Seconded by Alderman Wilkens and carried unanimously.

**Customer Service Committee**

Motion by Alderman Ament to approve the reappointment of Rush D. Wilkens to the Customer Service Committee, with an expiration date of April 30, 2002. Seconded by Alderman Chiovaturo and carried with Alderman Gallagher voting “no”.

Motion by Alderman Wilkens to approve the reappointment of Jack F. Chiovaturo to the Customer Service Committee, with an expiration date of April 30, 2002. Seconded by Alderman Ament and carried unanimously.

**Fire & Police Commission**

Motion by Alderman Ament to approve the reappointment of John N. Pedersen to the Fire & Police Commission, with an expiration date of April 30, 2006. Seconded by Alderman Wilkens and carried unanimously.

**Handicapped Persons Appeals Committee**

Motion by Alderman Bullermann to approve the appointment of Jack Chiovaturo to the Handicapped Persons Appeals Committee, with an expiration date of April 30, 2002. Seconded by Alderman Ament and carried unanimously.

**Housing Authority**

Motion by Alderman Wilkens to approve the appointment of Steven R. Battenberg to the Housing Authority, with an expiration date of July 23, 2004. Seconded by Alderman Ament and carried unanimously.

**Landmarks Commission**

Motion by Alderman Bullermann to approve the appointment of William Bowers to the Landmarks Commission, with an expiration date of October 1, 2002. Seconded by Alderman Chiovatero and carried unanimously.

**Parks & Recreation Commission**

Motion by Alderman Bullermann to approve the reappointment of Richard L. Kocchi to the Parks & Recreation Commission, with an expiration date of April 30, 2004. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to approve the appointment of Larry A. Kilmer to the Parks & Recreation Commission, with an expiration date of April 30, 2004. Seconded by Alderman Ament and carried unanimously.

**Plan Commission**

Motion by Alderman Ament to approve the appointment of Brian Teclaw to the Plan Commission, with an expiration date of April 30, 2004. Seconded by Alderman Scheuble and carried with Aldermen Wilkens and Chiovatero voting “no”.

**Safety Commission**

Motion by Alderman Bullermann to approve the reappointment of Debra A. Schenk to the Safety Commission, with an expiration date of April 30, 2003. Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Ament to approve the reappointment of Stephen R. Bartelt to the Safety Commission, with an expiration date of April 30, 2003. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wilkens to approve the reappointment of James L. Polczynski to the Safety Commission, with an expiration date of April 30, 2003. Seconded by Alderman Ament and carried unanimously.

**Special Assessment Review Committee**

Motion by Alderman Wilkens to approve the reappointment of Dennis E. Winchell to the Special Assessment Review Committee, with an expiration date of April 1, 2004. Seconded by Alderman Bullermann and carried unanimously.

**Weed Commissioner**

Motion by Alderman Bullermann to approve the reappointment of Duane Hause as Weed Commissioner, with an expiration date of April 30, 2002. Seconded by Alderman Chiovatero and carried unanimously.

#### **ACTION ON PUBLIC HEARINGS/None**

#### **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**

**Mayoral Appointments - DEFERRED 4-10-01**

Motion by Alderman Bullermann to drop this item from the agenda. Seconded by Alderman Ament and carried unanimously.

**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 Gallagher, seconded by Alderman Scheuble and carried unanimously to approve the following items from the consent agenda:

#### **MINUTES**

Minutes of the Common Council Meeting held on April 10, 2001

Minutes of the Common Council Meeting held on April 17, 2001

#### **UTILITY & FINANCE**

##### **Claims**

Approve payment of Water Utility Claims in the amount of \$103,885.83, Sewer Utility Claims in the amount of \$350,592.94, and Bi-weekly Claims in the amount of \$463,931.50, all of which represents payments to vendors.

#### **LICENSES**

##### **Bartender Licenses**

Approve the Bartender Licenses for the year 2000-2002 to Michael A. Czarzata and Joseph R. Pond.

##### **Amendment to "Class B" Retailers License**

Approve the amendment to the "Class B" Retailers License to include the "Parking Lot Area" for Mustang Shelly's Roadhouse, 19540 W. National Avenue, on Saturday, May 5, 2001 from 11:00 a.m. to 11:00 p.m. and Sunday, May 6, 2001 from 9:00 a.m. to 11:00 p.m.

Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment.

#### **MISCELLANEOUS**

##### **City Hall Roof Replacement**

Award the contract for the City Hall roof replacement to Stark Roofing for an amount not to exceed \$279,764.00 from approved CIP project titled City Hall Roof Replacement.

#### **RESOLUTIONS AND ORDINANCES**

**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 (2<sup>nd</sup> Reading)**

City Clerk Weter gave the second reading of Ordinance No. 2137.

Motion by Alderman Wilkens to waive the third reading of Ordinance No. 2137. Seconded by Alderman Bullermann. Upon voting Aldermen Scheuble and Ament voting “no”. A 3/4 vote, or 6 votes is necessary to carry. Motion failed.

Motion by Alderman Scheuble to adjourn the meeting at 8:52 p.m. Seconded by Alderman Ament and carried unanimously.

**Judy Weter  
City Clerk**

JW/nh