

**Common Council Minutes
March 27, 2001**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, March 27, 2001, at the New Berlin City Hall at 7:30 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Director of Planning Mark Lake, City Engineer Jeff Chase, Division Engineer Mark Handzlik and Larry Wilms, and Director of Finance and Utilities Mike Holzinger. Alderman Patzer was excused.

Clerk's Report

City Clerk Weter gave a Clerk's Report.

Council President's Report - No Report

Mayor's Report

Mayor Gatzke gave a Mayor's Report, introducing a new administrative policy - Leave Donations.

City Attorney's Report - No Report

COMMUNICATIONS

Reconsideration Request from Alderman Scheuble re: Midwest Power Development Agreement

Motion by Alderman Scheuble to reconsider. Seconded by Alderman Wysocki. Upon voting, the motion failed with Aldermen Wysocki and Scheuble voting "yes".

PLAN COMMISSION - No Report

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE

Alderman Wysocki reported from the Meeting held on February 19, 2001:

Contribution to Kelly Lakes Association

Alderman Scheuble originally brought this item forward, which was referred to this committee for a recommendation.

Motion by Alderman Wysocki to recommend to Council a contribution of \$4,000 to the Kelly Lakes Association for reimbursement funding on the formation of the Kelly Lakes Protection Plan, with the funds to come from the contingency fund, recognizing that a further source of funding to replace that to the contingency would be looked for. Seconded by Alderman Bullermann and carried unanimously.

UTILITY COMMITTEE

Alderman Bullermann reported from the meeting held on March 20, 2001:

Water Utility Rate Increase

Motion by Alderman Bullermann to defer this item. Seconded by Alderman Chiovatero and carried unanimously.

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

TECHNOLOGY COMMITTEE - No Report

MAYORAL APPOINTMENTS - None

ACTION ON PUBLIC HEARINGS

Ordinance to Establish Storm Water Utility Rates

Motion by Alderman Wysocki to defer this item. Seconded by Alderman Bullermann and carried unanimously.

REFERRALS, DEFERRALS AND TABLED ITEMS/None

CONSENT AGENDA

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

MINUTES

Minutes of the Public Hearing re: New Berlin School District Rezoning (Elmwood School) held on March 13, 2001

Minutes of the Public Hearing re: Super Products Rezoning held on March 13, 2001

Minutes of the Common Council Meeting held on March 20, 2001

UTILITY & FINANCE

Claims

Approve payment of Sewer Utility Claims in the amount of \$276,087.26, of which \$242,714.46 represents payment to MMSD and \$33,372.80 represents payments to vendors, Water Utility Claims in the amount of \$119,876.94, and Bi-weekly Claims in the amount of \$942,329.16, all of which represents payments to vendors.

LICENSES

Bartender Licenses

The Council has before it a 1-page report of Walter A. Chamulak's application and past record.

Deny the Bartender License for the year 2000-2002 to Walter A. Chamulak, based on the record before the Council.

Approve a 6-month Bartender License to Kiyo Coreen Clemons, to expire September 25, 2001. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2002.

MINUTES

Minutes of the Common Council Meeting held on March 13, 2001

It was the consensus of the Council to reflect Alderman Wysocki's vote on Page 8, under Elimination of Public Water Supply as a "no" vote.

MISCELLANEOUS

Utility Assessment Freeze

Motion by Alderman Wilkens to recommend that in the event that the City receives shared revenues from the State of Wisconsin for the operation of a merchant power plant, the Council commit the first seven years of those shared revenues to be used for base funding for the Stormwater Utility. Further recommend to Council that every rate paying property in the City be given a single residential equivalent credit for each year that shared revenue funding is committed to the Stormwater Utility. Seconded by Alderman Kaminski.

Friendly amendment to drop the word "base" and insert the word "universal" so the motion reads as follows: ". . . the Council commit the first seven years of those shared revenues to be used for universal funding . . .".

Upon voting, the motion carried unanimously.

Midwest Power Water Supply

Motion by Alderman Wilkens to adopt the findings and recommendations of the Midwest Power Water Supply Technical Advisory Group and elect the "City Water Option" as provided for in the Development Agreement, as outlined in the memo from City Engineer Chase dated March 19, 2001 and Memorandum of Understanding dated March 13, 2001. Seconded by Alderman Bullermann and carried with Aldermen Wysocki and Scheuble voting "no".

RESOLUTIONS AND ORDINANCES

Ordinance No. 2136 "An Ordinance to Rezone the Property at 5900 South Sunny Slope Road"

City Clerk Weter gave the only necessary reading of Ordinance No. 2136.

Motion by Alderman Wilkens to approve and adopt Ordinance No. 2136. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting "no".

Motion by Alderman Bullermann to move into Closed Session. Seconded by Alderman Kaminski. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Scheuble voted "yes", Alderman Wilkens voted "yes", Alderman Chiovatero voted "yes", and Alderman Kaminski voted "yes".

CLOSED SESSION

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.

- Decision Band Recommendations -

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

OPEN SESSION

Possible Action on Decision Band Recommendations

Motion by Alderman Bullermann to approve the banding for the position of office coordinator - finance and utilities at B-2-2 and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Kaminski and carried with Aldermen Wysocki and Scheuble voting "no".

Motion by Alderman Bullermann to approve the banding for the position of office coordinator - community development at C-4-1 and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Wilkens and carried with Aldermen Wysocki and Scheuble voting "no".

Motion by Alderman Bullermann to approve the banding for the position of Director of Human Resources at D-7-2 and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Kaminski and carried with Aldermen Wysocki and Scheuble voting "no".

Motion by Alderman Bullermann to modify Section 4.18(3)(a) of the municipal code by including asterisks indicating unclassified positions and refer readers to Section 4.03(1) and direct the City Attorney to prepare the proper ordinance. Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Bullermann to adjourn the meeting at 11:20 p.m. Seconded by Alderman Scheuble and carried unanimously.

**Judy Weter
City Clerk**

JW/nh