

Minutes

Common Council January 26, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, January 26, 1999, at the New Berlin City Hall at 9:00 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Stuckert, Wilkens, Zierhut, and Kaminski. Also present were City Clerk Bill Bowers, City Attorney Paul Reilly, Utility Superintendent Larry Wilms, City Engineer Jeff Chase, Maintenance Manager Bob Schulpus, and Director of Human Resources Tami Potkay.

Clerk's Report

City Clerk Bowers gave a Clerk's Report.

MINUTES

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Special Common Council Meeting held on January 5, 1999. Seconded by Alderman Zierhut and carried with Alderman Bullermann voting present.

Motion by Alderman Stuckert to recommend to Council approval of the Minutes of the Common Council Meeting held on January 12, 1999. Seconded by Alderman Zierhut and carried unanimously.

Motion by Alderman Stuckert to recommend to Council approval of the Minutes of the Public Hearing held on January 12, 1999. Seconded by Alderman Zierhut and carried unanimously.

COMMUNICATIONS

Notice of Claim - Robert Schulz - Referred to DPW for report to City Attorney

BUSINESS:

PLAN COMMISSION RECOMMENDATIONS - No Report

BOARD OF PUBLIC WORKS - No Report

MAYORAL APPOINTMENTS

Safety Commission

Motion by Alderman Wysocki to recommend to Council approval of the appointment of Kory L. Hauser to the Safety Commission, with an expiration date of April 30, 2000. Seconded by Alderman Zierhut and carried unanimously.

UTILITY COMMITTEE

Alderman Wysocki reported from the meeting held on January 18, 1999:

Thomas Bergen Claim

Motion by Alderman Wysocki to recommend to Council approval of Mr. Bergen's August claim to the City. Seconded by Alderman Bullermann.

Friendly amendment that the claim be approved in the amount of \$6,010. It was the consensus to divide the question.

Motion by Alderman Wysocki to recommend to Council that the City assume liability for damages to Mr. Bergen as a result of the damage occurring immediately during that August 6, 1998 flood. Seconded by Alderman Bullermann. Upon voting, the motion failed with Alderman Wysocki voting "yes".

Abandonment of Well #6 and Disposition of Real Property

Motion by Alderman Bullermann to recommend to Council to authorize abandonment of Well #6, including hiring technical and contractor services to perform abandonment of work on site, with disposition of site right-of-way and building to be recommended by Staff and City Attorney, in an amount not to exceed \$16,800. Seconded by Alderman Patzer and carried unanimously.

Well #3 and #4 Building Pump House Rehabilitation

Motion by Alderman Bullermann to recommend to Council to award contract to Taylor-Kidd and Associates, LLC. Total requested amount is \$27,209, which includes \$23,660 for Taylor-Kidd and Associate's contract, plus 15% contingency. This work is to perform all necessary technical services for pumphouse #3 and #4 roof replacements and exterior wall repair or replacements. These were budgeted projects with funds coming from CIP 96-W-02 and 96-W-04. Seconded by Alderman Patzer and carried unanimously.

TECHNOLOGY COMMITTEE

Alderman Wysocki reported from the meeting held on January 19, 1999:

Cable Revenue

Motion by Alderman Wysocki to recommend to Council that it be the policy of the Council that \$160,000 be budgeted each year in the general fund for Cable TV revenue and that any amounts received over the budgeted amount be placed in the Cable Fund. Seconded by Alderman Zierhut and carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS

Ordinance No. 2056 - "An Ordinance to Repeal and Recreate Sections 4.03 and 4.04 of the Municipal Code of the City of New Berlin Relating to Civil Service Employees" - TABLED 11-10-98

Resolution No. 98-58 - "A Resolution to Adopt Fees for Services Provided by the New Berlin Fire Department" - TABLED 12-8-98

COMMITTEE OF THE WHOLE (Items from Consent Agenda)

Motion by Alderman Wilkens to recommend to Council to approve the following items from the consent agenda. Seconded by Alderman Zierhut and carried unanimously.

UTILITY

Sewer Claims

Motion by Alderman Bullermann to recommend to Council approval of the payment of Sewer Utility Claims in the amount of \$333,969.87. Of that amount \$306,636.49 represents payments to MMSD and the remaining amount of \$27,333.38 represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

Water Claims

Motion by Alderman Zierhut to recommend to Council approval of the payment of Water Utility Claims in the amount of \$169,394.31, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

PERSONNEL

Employment Practices Liability Insurance

Motion by Alderman Wysocki to recommend to Council that the Director of Human Resources and City Clerk be authorized to bind coverage through CVMIC for Employment Practices Liability Insurance with a \$10,000 per occurrence self insurance retention level with an annual premium of no more than \$16,000, which is to be paid through the Insurance Fund. Seconded by Alderman Bullermann and carried unanimously.

Authorization to Fill Position of Associate Planner/Mapping Coordinator

Motion by Alderman Wilkens to recommend to Council authorization to fill the position of Associate Planner/Mapping Coordinator and any residual vacancies. Seconded by Alderman Kaminski and carried unanimously.

RULES, LAWS & ORDINANCES

Resolution No. 99-4 "A Resolution Expressing Opposition to Certain Recommendation of the Legislative Task force on Shared Revenues"

Motion by Alderman Wysocki to recommend Resolution No. 99-4 to Council. Seconded by Alderman Bullermann and carried unanimously.

Hotel Records and Regulation of Massage Therapists Motion by Alderman Bullermann to recommend to Council that the City Attorney be directed to revise Section 12.195 of the Municipal Code regarding Massage Establishment and Section 3.11 regarding records for transient lodging facilities. Seconded by Alderman Patzer and carried unanimously.

Utility Relocation Ordinance

Motion by Alderman Bullermann to recommend to Council to direct the City Attorney to draft an ordinance to be known as "Utility Relocation Ordinance", along with support and input from City Engineer Jeff Chase. Seconded by Alderman Patzer and carried unanimously.

FINANCE

Schedule of Deposits

Motion by Alderman Bullermann to recommend to Council that the Schedule of Deposits be updated and to direct the City Clerk to prepare the proper Ordinance. Seconded by Alderman Zierhut and carried unanimously.

Recycling Charge on "Outlots"

Motion by Alderman Zierhut to recommend to Council to waive the \$10.00 Recycling charge on "outlots" that have no value. Seconded by Alderman Stuckert and carried unanimously.

Claims

(1998)

Motion by Alderman Patzer to recommend to Council approval of the Bi-Weekly claims in the amount of \$744,467.00, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Patzer to recommend to Council approval of the Bi-Weekly claims in the amount of \$36,759.48, all of which represents escrow refunds. Seconded by Alderman Bullermann and carried unanimously.

(1999)

Motion by Alderman Zierhut to recommend to Council approval of the Bi-Weekly claims in the amount of \$616,823.90, all of which represents payments to vendors. Seconded by Alderman Stuckert and carried unanimously.

MISCELLANEOUS

Biennial Boards and Commission Appreciation Dinner Motion by Alderman Zierhut to recommend to Council that:

- 1) The Appreciation Dinner be held on an annual basis.
- 2) City employees who serve on Boards and Commissions attending the dinner not be required to pay for their dinner.
- 3) Employees who attend the January 22, 1999, dinner be reimbursed for their dinner cost.

Seconded by Alderman Kaminski and carried with Alderman Stuckert voting "no".

RESOLUTIONS AND ORDINANCES

Resolution No. 99-4 "A Resolution Expressing opposition to Certain Recommendations of the Legislative Task Force on Shared Revenues"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-4.

Seconded by Alderman Bullermann and carried unanimously.

Council President's Report - No Report

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report - No Report

Motion by Alderman Bullermann to move into Closed Session at 9:45 p.m. Seconded by Alderman Wysocki. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Patzer voted "yes", Alderman Stuckert voted "yes", Alderman Wilkens voted "yes", Alderman Zierhut 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) & (g) 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.

- Police Agreement -

- Reimburse Vehicle Expenses for Employee -

- 1999 Range Adjustment -

(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 it is or is likely to become involved.

- Foshey/American Family Claim -

- Braunreiter/Richter vs. City of New Berlin -

- Brian Bonnell Claim -

Motion by Alderman Stuckert to move into Open Session 10:40 p.m. Seconded by Alderman Kaminski and carried unanimously.

Possible Action on Police Agreement

Motion by Alderman Zierhut to recommend to Council to accept the Police Agreement as presented, dated December 29, 1998. Seconded by Alderman Wilkens and carried unanimously.

Possible Action on Reimbursement of Vehicle Expenses for Employee

Motion by Alderman Stuckert to recommend to Council to reimburse the employee out of the DPW budget, in an amount to net \$265.61. Seconded by Alderman Kaminski and carried with Aldermen Patzer and Zierhut voting "no".

Possible Action on 1999 Salary Adjustment

Motion by Alderman Zierhut to recommend to Council to adopt the recommendation of the Human Resources Director. Seconded by Alderman Patzer and carried unanimously.

Possible Action on Brian Bonnell Claim

Motion by Alderman Zierhut to recommend to Council to approve the Brian Bonnell claim in the amount of \$1,300. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Stuckert to adjourn the meeting at 10:45 p.m. Seconded by Alderman Kaminski and carried unanimously.

William Bowers
City Clerk

WB/nh