

# Minutes

## Common Council Minutes

February 23, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 23, 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, Asst. City Attorney Mark Blum, Assistant City Planner Mark Lake, DPW Hamid Hashemizadeh, City Engineer Jeff Chase, City Treasurer Mike Holzinger, and Police Lt. Frank Zsohar.

### Clerk's Report

City Clerk Bowers gave a Clerk's Report.

### MINUTES

Motion by Alderman Stuckert to recommend to Council approval of the Minutes of the Common Council Meeting held on February 9, 1999. Seconded by Alderman Kaminski and carried with Alderman Zierhut voting present.

Motion by Alderman Stuckert to recommend to Council approval of the Minutes of the Public Hearing regarding Bob Williams (The Victorians of New Berlin) held on February 9, 1999. Seconded by Alderman Kaminski and carried with Alderman Zierhut voting present.

Motion by Alderman Stuckert to recommend to Council approval of the Minutes of the Public Hearing regarding Dennis Kasian (The Preserve at Deer Creek) held on February 9, 1999. Seconded by Alderman Kaminski and carried with Alderman Zierhut voting present.

### REFERRALS, DEFERRALS, AND TABLED ITEMS

#### **Dennis Kasian (The Preserve at Deer Creek) at 14300 W. Howard Ave. -DEFERRED 2-9-99**

Motion by Alderman Kaminski to recommend to Council approval of the request by Green Acres Golf & Condominiums for a PUD Rezoning for a Golf Course (Pro Shop, Fitness Center and Banquet Facilities), Condominium Development, Multi Family Development and Two Single Family Homesites located at 14300 W. Howard Avenue subject to:

- 1) Final PUD document to be worked out with the Planning Department and City Attorney.
- 2) Modify site diagram to include a senior housing condominium area and a trail and park area to be components to the North PUD District.

Seconded by Alderman Stuckert.

Motion by Alderman Patzer to amend the motion to add the following third condition: The road reservation is to be done in accordance with 80.01(5) of the Wisconsin State Statutes. Seconded by Alderman Zierhut and carried unanimously.

Motion by Alderman Stuckert to eliminate the road reservation for Kingsway Drive. Seconded by Alderman Kaminski. Upon voting, the motion failed with Aldermen Stuckert and Kaminski voting "yes".

Upon voting on the motion as amended, the motion carried with Aldermen Patzer and Stuckert voting "no".

## **COMMUNICATIONS**

Communication from Dan Kuglitsch regarding Property Tax Bill

Motion by Alderman Bullermann to recommend to Council to waive the tax payment penalty and allow the property owner to pay on the installment schedule as outlined in the memo dated February 10, 1999 from Dan Kuglitsch, for the property at 13327 W. Greenfield Avenue. Seconded by Alderman Patzer and carried unanimously.

Notice of Claim - Steven B. Schroeder - to City Attorney

Communication from Attorney Victor Kornis regarding Sale of Property at 16205 W. Rogers Drive

Motion by Alderman Wysocki to recommend to Council to waive the right of refusal for the property at 16205 W. Rogers Drive. Seconded by Alderman Bullermann and carried unanimously.

Communication from Mayor Gatzke regarding Vacation of Street Dedication of Dakota Street - A Public Hearing was scheduled for March 9, 1999 at 7:05 p.m.

## **BUSINESS:**

**PLAN COMMISSION RECOMMENDATIONS** - No Report

**BOARD OF PUBLIC WORKS** - No Report

**MAYORAL APPOINTMENTS** - None

## **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

Motion by Alderman Wysocki to remove this item from the table. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Resolution No. 98-58. Seconded by Alderman Wysocki and carried unanimously.

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## **COMMITTEE OF THE WHOLE (Items from Consent Agenda)**

Motion by Alderman Kaminski 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 \$71,767.74, all of which represents payments to vendors. Seconded by Alderman Wysocki and carried unanimously.

### **Water Claims**

Motion by Alderman Wysocki to recommend to Council approval of the payment of Water Utility Claims in the amount of \$41,015.82, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

## **LICENSES**

### **Bartender's Licenses**

Motion by Alderman Zierhut to recommend to Council approval of the Bartender's License to Michael J. Mulqueen, to expire August 24, 1999. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2000. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Zierhut to recommend to Council approval of the Bartender's License for the year 1998/2000 to Heidi A. Jacobe. Seconded by Alderman Kaminski and carried unanimously.

## **MISCELLANEOUS**

### **Award of Contract for Additions and Renovations to Fire Station #4**

Motion by Alderman Patzer to recommend to Council award of the contract for additions and renovations to Fire Station #4 to Guenther-Wagner-Johnson, Inc. in the amount of \$581,325, with \$395,000 from the original borrowing from 1997, and the remaining amount of \$186,325 is a reallocation from the Fire Station #3 reconstruction. Seconded by Alderman Bullermann and carried unanimously.

### **Roofing Insulation for Public Safety Building**

Motion by Alderman Zierhut to recommend to Council to accept the recommended alternate roofing insulation, with an additional amount of \$9,892 to the cost of the original bid of \$120,509, for a total bid of \$130,401, per the Memo from Lt. Frank Zsohar dated February 5, 1999. Seconded by Alderman Kaminski and carried unanimously.

### **Award of Contract for Precast Concrete for Public Safety Building**

Motion by Alderman Zierhut to recommend to Council to accept the bid from Spancrete Industries, Inc. in the amount of \$135,730.00 with delivery scheduled by April 30, 1999. Seconded by Alderman Kaminski and carried unanimously.

### **Negotiations for Johnson Quarry**

Motion by Alderman Bullermann to recommend to Council that T. Michael Schober be retained at a cost of \$135 per hour to negotiate on behalf of the City of Johnson Quarry with funding to come from the Park & Open Space Fund (2-232-000) in an amount not to exceed \$2,000. Seconded by Alderman Patzer and carried unanimously.

#### **Timetable for Construction of a New Library**

Motion by Alderman Kaminski to recommend to Council that the Long Term Strategic Planning Committee be assigned the task of developing a timetable for the construction of a new library. Also, that the Long Term Strategic Planning Committee prepare a framework for the planning of the library, which will no doubt be completed by other entities within the City. Seconded by Alderman Wilkens and carried unanimously.

#### **Claims**

Motion by Alderman Wilkens to recommend to Council approval of the Bi-Weekly claims in the amount of \$660,780.93, all of which represents payments to vendors. Seconded by Alderman Zierhut and carried unanimously.

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#### **REFERRALS**

##### **City Wide Trash Pick Up Service and Yard Debris (Referred from Board of Public Works Meeting held on February 3, 1999)**

Motion by Alderman Bullermann to recommend to Council that an Ad Hoc Committee be created consisting of the City Treasurer, City Attorney, Director of Public Works, and two Aldermen to put out a request for proposal, to negotiate the best contract possible for refuse and yard debris collection. Further, that the committee return to Council with a recommendation of vendor and contract for Council approval before the 2000 budget planning. Seconded by Alderman Kaminski and carried with Aldermen Wysocki, Stuckert and Zierhut voting "no".

#### **FINANCE**

##### **Amend the 1998 City Operational Budget/Resolution No. 99-6**

Motion by Alderman Patzer to recommend Resolution No. 99-6 to Council. Seconded by Alderman Bullermann and carried unanimously.

#### **RESOLUTIONS AND ORDINANCES**

##### **Resolution No. 99-6 "Resolution Amending the 1998 City of New Berlin Operational Budget"**

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-6. 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**

**PARK AND RECREATION COMMISSION**

**Recommendation on Re-Negotiation of Golf Course Lease Agreement**

Motion by Alderman Wysocki to move into Closed Session. Seconded by Alderman Bullermann. 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 items to be discussed in Closed Session are as enumerated in Section 19.85(1)(e) of the Wisconsin State Statutes.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session.

- Golf Course Lease Agreement -

Motion by Alderman Bullermann to recommend to move into Open Session at 10:45 p.m. Seconded by Alderman Wilkens and carried unanimously.

**OPEN SESSION**

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

**William Bowers  
City Clerk**

WB/nh