

# **Minutes**

## **Common Council Meeting**

**March 23, 1999**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, March 23, 1999, at the New Berlin City Hall at 8:20 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,

Asst. City Planner Mark Lake, Director of Park and Rec Paul Leuthold, and DPW Hamid Hashemizadeh.

### **Clerk's Report**

City Clerk Bowers gave a Clerk's Report.

### **MINUTES**

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Common Council Meeting held on March 9, 1999. Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval of the Public Hearing Minutes of March 9, 1999 regarding Caring Communities. Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Zierhut to recommend to Council approval of the Public Hearing Minutes of March 9, 1999 regarding Vacation of Dakota Street. Seconded by Alderman Stuckert and carried unanimously.

Motion by Alderman Stuckert to recommend to Council approval of the Minutes of the Special Common Council Meeting held on March 2, 1999. Seconded by Alderman Zierhut and carried unanimously.

### **COMMUNICATIONS**

Communication from Vernon Beddome regarding Home Inspection

Motion by Alderman Zierhut to recommend to Council to waive the \$275 Inspection Fee for the home at 14385 West Cedar Trail for the finished basement. Seconded by Alderman Bullermann.

Motion by Alderman Wilkens to allow Vernon Beddome to address the Council. Seconded by Alderman Zierhut and carried unanimously.

Upon voting on the original motion, the motion carried with Aldermen Wysocki and Wilkens voting "no".

Communication from The Roman Family regarding Brookfield Road Extension to Greenfield Avenue - To Landmarks Commission

Notice of Claim - Maria Russo

Motion by Alderman Wysocki to recommend to Council denial of the Maria Russo claim, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Zierhut and carried unanimously.

Notice of Claim - Mike and Julie Prust - To City Attorney

## **MISCELLANEOUS**

### **Westbrooke Sewers/Communication from City Clerk Bowers**

Motion by Alderman Wilkens to recommend to Council to direct the City Clerk and Engineering Dept. to prepare a preliminary resolution for the installation of water and sewer in the Westbrooke area, prepare the assessment roll and hold a Public Hearing. Seconded by Alderman Wysocki and carried with Aldermen Patzer, Stuckert and Zierhut voting "no".

## **BUSINESS:**

**PLAN COMMISSION RECOMMENDATIONS** - No Report

## **BOARD OF PUBLIC WORKS**

Alderman Stuckert reported from the meeting held this evening:

### **Award of Construction Contract for Beloit Road Watermain and Emmer Drive Intersection Improvements**

Motion by Alderman Stuckert to recommend to Council award of contract to Globe Contractors, Inc. in the amount of \$285,027.50 for construction of the Beloit Road water main and intersection improvements at Emmer Drive, with a not-to-exceed project total cost of \$366,000, with funds to come from the Westridge TIF Phase II. Seconded by Alderman Zierhut and carried unanimously.

**MAYORAL APPOINTMENTS** - None

**ACTION ON PUBLIC HEARING** - None

## **SAFETY COMMISSION**

Alderman Wysocki reported from the meeting held on March 10, 1999:

### **Meadowmere Parkway and Overland Trail/Stop Sign Request**

Motion by Alderman Wysocki to recommend to Council to place stop signs on Overland Tr. at Meadowmere Pkwy. for east and west traffic and to direct the City Clerk to prepare the proper Resolution. Seconded by Alderman Zierhut and carried unanimously.

**TECHNOLOGY COMMITTEE** - No Report

## **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

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

**Motion on the Floor:** Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2056. Seconded by Alderman Zierhut. Upon voting, the motion carried with Aldermen Patzer, Stuckert and Wilkens voting "no".

**Mark Wimmer (Caring Communities)** Rezoning Request at 13900 W. National Avenue - TABLED 3-9-99

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

**Motion on the Floor:** Motion by Alderman Kaminski to recommend to Council approval of the request by Waukesha Medical Clinic to rezone the property located at 13900 W. National Avenue from I-1, R-4.5, R-5 to O-1 subject to:

- 1) Make every effort to acquire the DANCO property.
- 2) Legal description of area to be rezoned office (O-1) needs to stop at ROW line(s) of National Avenue and Sunny Slope Road and needs to reflect an approximate 5 acre district.
- 3) The size of the O-1 District to be increased to reflect a 5 acre parcel and the need for a minimum of 229 parking spaced (proposed structure), and the necessary land for a possible additional building/addition and its associated parking.
- 4) Building required to be fed by underground utilities, all aboveground utilities required to be buried.
- 5) A 6' concrete sidewalk (ultimate location to be determined by the City Engineer) required along the National Avenue frontage (including existing facilities), and Sunny Slope Road north to the entrance.
- 6) Street trees required along the National Avenue frontage (including existing facilities), and the Sunny Slope Road frontage. Ultimate location to be based on location of utilities and City Center guidelines.
- 7) Waukesha County DOT access permit required.
- 8) Sanitary Sewer capacity for this medical center needs to be suitable for this site taking into account overall development planned for the area.
- 9) Ultimate feasibility plan for area needs to be established.

Seconded by Alderman Bullermann.

Motion by Alderman Zierhut to allow the representative of Waukesha Health Care and the architect for this project to address the Council. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Kaminski to amend the motion to remove conditions 2, 3, 7, and 8. Seconded by Alderman Bullermann and carried with Aldermen Wysocki and Zierhut voting "no".

Motion by Alderman Patzer to end debate. Seconded by Alderman Bullermann and carried unanimously.

Upon voting on the motion as amended, the motion failed with Aldermen Bullermann, Patzer and Kaminski voting "yes".

---

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

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

### **UTILITY**

#### **Sewer Claims**

Motion by Alderman Patzer to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$2,002,364.43. Of that amount \$1,988,321.00 represents payments to MMSD and the remaining amount of \$14,043.43 represents payments to vendors. Seconded by Alderman Wysocki and carried unanimously.

#### **Water Claims**

Motion by Alderman Patzer to recommend to Council approval of the payment of Water Utility Claims in the amount of \$45,682.44, all of which represents payments to vendors. Seconded by Alderman Wysocki and carried unanimously.

### **LICENSES**

#### **Bartender's License**

Motion by Alderman Zierhut to recommend to Council approval of the Bartenders License for the year 1998/2000 to Hekima L. Kennebrew. Seconded by Alderman Wilkens and carried unanimously.

#### **Special Class "B" Retailers License**

Motion by Alderman Patzer to recommend to Council approval of the Special Class "B" Retailers License to sell Fermented Malt Beverages at Picnics or Gatherings to Ojibwa Bowhunters, on April 24 & April 25, and July 24 & July 25, 1999, at 3045 S. Johnson Road. Seconded by Alderman Wysocki and carried unanimously.

### **MISCELLANEOUS**

#### **Prospect Parkway**

Motion by Alderman Zierhut to recommend to Council acceptance of the offer to purchase from the Department of Transportation for .04 acres of Prospect Parkway in the amount of \$6,300 and to use these funds for the replacement of the bridge on Prospect Parkway. Seconded by Alderman Patzer and carried unanimously.

### **RESOLUTIONS AND ORDINANCES**

#### **Resolution No. 99-10 "An Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes to Finance Infrastructure Costs of a Countywide Trunked Radio System"**

Motion by Alderman Zierhut to recommend Resolution No. 99-10 to Council. Seconded by Alderman Wilkens and carried unanimously.

### **PERSONNEL**

### **Temporary Appointment of Deputy City Clerk**

Motion by Alderman Patzer to recommend to Council acknowledgment of the temporary appointment of Nancy Hoffmann to the position of Deputy City Clerk effective March 22, 1999. Seconded by Alderman Zierhut and carried unanimously.

### **City Assessor**

Motion by Alderman Zierhut to recommend to Council authorization to fill the position of City Assessor and any residual vacancies. Seconded by Alderman Stuckert and carried unanimously.

### **Temporary Appointment of City Assessor**

Motion by Alderman Zierhut to recommend to Council acknowledgment of the temporary appointment of Mary Hlavinka to the position of City Assessor effective March 10, 1999. Seconded by Alderman Stuckert and carried unanimously.

## **FINANCE**

### **Audit of TIF District**

Motion by Alderman Zierhut to recommend to Council approval of the proposal by Ruekert and Mielke dated February 25, 1999 for a financial and performance review of the Westridge T.I.D. in an amount not to exceed \$14,000. Seconded by Alderman Kaminski and carried unanimously.

### **Claims**

Motion by Alderman Patzer to recommend to Council approval of the bi-weekly claims in the amount of \$675,718.36, all of which represents payments to vendors. Seconded by Alderman Wysocki and carried unanimously.

---

## **LICENSES**

### **Bartender's License**

Motion by Alderman Zierhut to recommend to Council approval of a 6-month Bartenders License to Randall C. McLaughlin, to expire September 28, 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 Stuckert and carried with Aldermen Bullermann and Wysocki voting "no".

## **PERSONNEL**

### **Court Clerk**

Motion by Alderman Zierhut to recommend to Council creation and filling of a part-time Court Clerk. Seconded by Alderman Kaminski and carried with Aldermen Patzer and Stuckert voting "no".

### **Streets Division Operator**

Motion by Alderman Zierhut to recommend to Council creation and filling of a Streets Division Operator and no residual vacancies. Seconded by Alderman Kaminski and carried with Alderman Wysocki voting "no".

## **FINANCE**

### **CIP Funds for Regal Manors East Access**

Motion by Alderman Wilkens to recommend to Council that the 1999 CIP funds for making improvements to access for Regal Manors East (Fremont Lane extension and Mayflower Drive widening) be redirected to fund a traffic light at Mayflower Drive and Moorland Road and if funds are available, to include a left turn lane on Mark Drive. Should funds remain, the next priority is the extension of Fremont Lane. Seconded by Alderman Zierhut and carried with Aldermen Wysocki and Patzer voting "no".

## **RESOLUTIONS AND ORDINANCES**

### **Resolution No. 99-8 "A Resolution Correcting the Final Assessment Roll for the Sunny Slope Water Main Assessment District"**

Motion by Alderman Bullermann to recommend to Council approval and adoption of Resolution No. 99-8. Seconded by Alderman Wysocki and carried unanimously.

### **Resolution No. 99-9 "A Resolution to Place Stop Signs on Overland Trail at Meadowmere Parkway"**

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-9. Seconded by Alderman Patzer and carried unanimously.

### **Resolution No. 99-10 "An Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes to Finance Infrastructure Costs of a Countywide Trunked Radio System"**

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-10. Seconded by Alderman Bullermann and carried unanimously.

### **Resolution No. 99-11 "A Resolution to Vacate a Portion of Dakota Street"**

Motion by Alderman Wysocki to defer Resolution No. 99-11. Seconded by Alderman Patzer and carried unanimously.

### **Resolution No. 99-12 "A Resolution to Express the City of New Berlin's Desire to Work Cooperatively with State, County and Local Business and Community Officials to Address and Meet the Transportation Needs of the New Berlin Business Community"**

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-12. Seconded by Alderman Wilkens.

Motion by Alderman Wysocki to amend the Resolution to include "and the impacts on the City's transportation and infrastructure" to the last sentence of the Resolution. Seconded by Alderman Bullermann and carried with Alderman Patzer voting "no".

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

**Ordinance No. 2070 "An Ordinance to Create Section 14.085 of the Municipal Code of the City of New Berlin Regarding Fire and Emergency Cost Recovery" (2<sup>nd</sup> Reading)**

City Clerk Bowers gave the second reading of Ordinance No. 2070.

Motion by Alderman Bullermann to amend Ordinance No. 2070 to state that the money will go directly to the Fire Department. Seconded by Alderman Kaminski and carried unanimously.

**Ordinance No. 2072 "An Ordinance to Amend the General Ordinances of the City of New Berlin, Wisconsin"**

City Clerk Bowers gave the only necessary reading of Ordinance No. 2072.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2072. Seconded by Alderman Patzer and carried unanimously.

**Council President's Report**

Council President Wysocki gave a Council President's Report.

**Mayor's Report**

Mayor Gatzke gave a Mayor's Report.

**City Attorney's Report** - No Report

**PARK AND RECREATION COMMISSION**

**Golf Course Lease**

Motion by Alderman Zierhut to move into Closed Session at 10:45 p.m. Seconded by Alderman Wilkens. 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 -

Motion by Alderman Zierhut to move into Open Session at 11:15 p.m. Seconded by Alderman Kaminski and carried unanimously.

**OPEN SESSION**

**Possible Action on Golf Course Lease**

Motion by Alderman Patzer to recommend to Council approval of the Lease between the City of New Berlin and Crown Golf Properties. Seconded by Alderman Bullermann and carried unanimously.

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

**William Bowers**  
**City Clerk**

WB/nh