

Minutes

Common Council Minutes April 27, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, April 27, 1999, at the New Berlin City Hall at 7:40 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovero, and Kaminski. Also present were City Clerk Bill Bowers, City Attorney Paul Reilly, Director of Human Resources Tami Potkay, Police Lt. Frank Zsohar, DPW Hamid Hashemizadeh, and Division Engineer Mark Handzlik.

Clerk's Report

City Clerk Bowers gave a Clerk's Report.

MINUTES

Motion by Alderman Kaminski to recommend to Council approval of the Minutes of the Common Council Meeting held on April 13, 1999. Seconded by Alderman Wilkens and carried with Aldermen Scheuble and Chiovero voting present.

Motion by Alderman Kaminski to recommend to Council approval of the Minutes of the Public Hearing regarding Bubb's Grub Rezoning held on April 13, 1999. Seconded by Alderman Wilkens and carried with Aldermen Scheuble and Chiovero voting present.

Motion by Alderman Kaminski to recommend to Council approval of the Minutes of the Public Hearing regarding Jacob's Ridge Condominiums Rezoning held on April 13, 1999. Seconded by Alderman Wilkens and carried with Aldermen Scheuble and Chiovero voting present.

Motion by Alderman Patzer to recommend to Council approval of the Minutes of the Public Hearing regarding Rezoning of Old Police Building held on April 13, 1999. Seconded by Alderman Bullermann and carried with Aldermen Scheuble and Chiovero voting present.

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Public Hearing regarding the Dakota Street Vacation held on April 13, 1999. Seconded by Alderman Patzer and carried with Aldermen Scheuble and Chiovero voting present.

COMMUNICATIONS

Communication from Amy Thorison regarding Building Permit Refund Request/Response from Chief Building Inspector Howard Gygax

Motion by Alderman Bullermann to deny the building permit refund request for the existing sunroom to Amy Thorison for the property located at 4750 S. Sunnyslope Road. Seconded by Alderman Kaminski and carried unanimously.

Petition Requesting Drain Pipe in Buena Park Subdivision - To Public Works

BUSINESS:

PLAN COMMISSION RECOMMENDATIONS - No Report

BOARD OF PUBLIC WORKS - No Report

UTILITY COMMITTEE - No Report

MAYORAL APPOINTMENTS

Board of Review

Motion by Alderman Patzer to recommend to Council the Mayoral Appointment of Bret A. Roge to the Board of Review, with an expiration date of May 31, 2004. Seconded by Alderman Wysocki and carried unanimously.

Civil Service Commission

Motion by Alderman Patzer to recommend to Council the Mayoral Appointment of Kathleen A. Bullermann to the Civil Service Commission, with an expiration date of June 30, 2004. Seconded by Alderman Wysocki and carried unanimously.

Safety Commission

Motion by Alderman Patzer to recommend to Council the Mayoral Appointment of Debra A. Schenk to the Safety Commission, with an expiration date of April 30, 2001. Seconded by Alderman Wysocki and carried unanimously.

SAFETY COMMISSION

Alderman Wysocki reported from the meeting held on April 14, 1999:

Stop Sign Request - Wilbur Drive at Thomas Drive

Motion by Alderman Wysocki to recommend to Council to replace the northbound yield sign with a stop sign and remove the placard from the southbound stop sign post that says "Right Turn No Stop" on Wilbur Drive at the intersection of Thomas Drive. Seconded by Alderman Chiovatero and carried unanimously.

MISCELLANEOUS

Election of Plan Commission Member

Alderman Wilkens nominated Alderman Kaminski as the Plan Commission Representative.

Motion by Alderman Bullermann to close the nominations and elect Alderman Kaminski as the Plan Commission Representative by unanimous ballot. Seconded by Alderman Patzer and carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS/None

COMMITTEE OF THE WHOLE (Items from Consent Agenda)

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

UTILITY

Sewer Claims

Motion by Alderman Wysocki to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$19,057.85, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

Water Claims

Motion by Alderman Kaminski to recommend to Council approval of the payment of Water Utility Claims in the amount of \$30,023.60, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

LICENSES

Bartender's License

Motion by Alderman Kaminski to recommend to Council approval of the Bartenders License for the year 1998/2000 to Edward E. Price and Sian E. Stevens. 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 the Kettle Moraine Chapter of H.O.G. on May 1, 1999 from 12:00 p.m. to 4:00 p.m. at Hal's Harley Davidson, 2725 S. 167 Street. Seconded by Alderman Chiovatero and carried unanimously.

Amendment to "Class B" Retailers License

Motion by Alderman Bullermann to recommend to Council approval of the amendment to the "Class B" Retailers License to include the "Parking Lot Area" for The 19th Hole Country Club, 1525 S. 124 Street, on Saturday, May 8, 1999 from 12:00 p.m. to 7:00 p.m. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment. Seconded by Alderman Kaminski and carried unanimously.

PERSONNEL

Authorization to Fill Position of Clerk/Typist - Engineering Department

Motion by Alderman Bullermann to recommend to Council to fill the position of Clerk/Typist - Engineering. Seconded by Alderman Patzer and carried unanimously.

MISCELLANEOUS

Phase II - Consolidated Dispatch System Study in Waukesha County

Motion by Alderman Bullermann to recommend to Council approval of New Berlin being a member of the Waukesha County Cooperation Council's hiring of RCC Consultants to do Phase II of the consolidated dispatch system study in Waukesha County, and to direct the City Clerk to prepare a Reallocation of Funds from Account No. 521.310.00 (Office Supplies) to Account No. 521.214.00 (Professional Services) in the amount of \$455. Seconded by Alderman Wilkens and carried unanimously.

Bid for Division 11 Equipment (Detention)

Motion by Alderman Wysocki to recommend to Council approval of the Division 11 Bid to Valley Security Company, in the amount of \$32,660.00. Seconded by Alderman Bullermann and carried unanimously.

Composition of the Storm Water Management Committee

Motion by Alderman Wilkens to recommend to Council that the Storm Water Management Committee consist of three (3) members of the Council appointed by the Council President, two (2) members of staff appointed by the Mayor, two (2) ex officio (non-voting members) - one from the Streets Division and one from the Planning Department, and two (2) at large members to be appointed by the Committee. The committee will select its chairman from one of the three Aldermen. Seconded by Alderman Wysocki and carried unanimously.

FINANCE

Claims

Motion by Alderman Kaminski to recommend to Council approval of the bi-weekly claims in the amount of \$799,082.23, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

MISCELLANEOUS

STP-D Grant/Resolution No. 99-20

Motion by Alderman Patzer to recommend Resolution No. 99-20 to Council. Seconded by Alderman Kaminski and carried with Alderman Wilkens voting "no".

Negotiations for Lake Michigan as a Water Supply for New Berlin/Resolution No. 99-24

Motion by Alderman Bullermann to recommend Resolution No. 99-24 to Council. Seconded by Alderman Kaminski.

Motion by Alderman Scheuble to amend the Resolution to state: ". . . those portions of the City of New Berlin lying within the MMSD". Seconded by Alderman Wysocki and carried unanimously.

Upon voting on the motion as amended, the motion carried unanimously.

RESOLUTIONS AND ORDINANCES

Resolution No. 99-19 "A Resolution in Support of the Blue Chip Incentive Grant Program"

Motion by Alderman Chiovatero to recommend to Council approval and adoption of Resolution No. 99-19. Seconded by Alderman Kaminski and carried unanimously.

Resolution No. 99-20 "A Resolution Authorizing Acceptance of the State of Wisconsin Surface Transportation Discretionary Grant"

Motion by Alderman Bullermann to recommend to Council approval and adoption of Resolution No. 99-20. Seconded by Alderman Wysocki and carried with Alderman Wilkens voting "no".

Resolution No. 99-21 "A Resolution to Change the Street Name of Civic Drive to Al Stigler Parkway"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-21. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 99-22 "A Resolution to Correct the Grange Avenue Assessment Roll"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-22. Seconded by Alderman Kaminski and carried unanimously.

Resolution No. 99-23 "A Resolution to Place a Stop Sign on Wilbur Drive at Thomas Drive"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-23. Seconded by Alderman Chiovatero and carried unanimously.

Resolution No. 99-24 "A Resolution Authorizing the Director of Public Works to Negotiate with the City of Milwaukee Water Works to Supply New Berlin with Lake Michigan Water"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-24 as amended. Seconded by Alderman Bullermann and carried unanimously.

Council President's Report

Appointments to Boards and Commissions

Council President Wilkens made the following Appointments:

1999 Committee Assignments:

Crime Prevention Ald. Kaminski

Ad Hoc Customer Service Committee Ald. Wilkens and Chiovatero

Electrical Review Board Ald. Scheuble

Fire Dept. Ald. Bullermann

Ad Hoc Fire Dept. Negotiation Committee Ald. Bullermann, Scheuble and Kaminski

Fourth of July Ald. Kaminski

Ad Hoc Garbage and Debris Committee Ald. Bullermann and Kaminski

Housing Authority Ald. Scheuble

Landmarks Commission Ald. Chiovero

Library Ald. Wilkens

Park & Rec Ald. Patzer

Ad Hoc Property Maintenance Code Ald. Bullermann, Patzer and Wilkens

Public Works Ald. Wysocki, Patzer and Chiovero

Safety Commission Ald. Wysocki

School Board Ald. Scheuble

Ad Hoc Stormwater Management Committee Ald. Bullermann, Patzer and Wysocki

Ad Hoc Strategic Planning committee Ald. Bullermann, Patzer and Wilkens

Technology Committee Ald. Bullermann, Wysocki and Wilkens

Utility Committee Ald. Bullermann, Wysocki, and Patzer

Ad Hoc Year 2000 Committee (Y2K) Ald. Wysocki

1999 COW Liaison Assignments:

Assessor Ald. Kaminski

Finance/Claims/Judiciary Ald. Wilkens

Insurance Ald. Bullermann

Legislative Ald. Wysocki

Licenses Ald. Scheuble

Human Resources Ald. Bullermann

Police Ald. Wilkens

Buildings and Grounds Ald. Patzer

RLO/Judiciary Ald. Chiovero

DPW Ald. Scheuble

Public Safety Building Committee Ald. Wysocki and Chiovatero

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. Seconded by Alderman Wysocki. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Patzer voted "yes", Alderman Scheuble voted "yes", Alderman Wilkens voted "yes", Alderman Chiovatero 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)(c)(e) & (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.

- City Assessor Position -

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.

- Collective Bargaining -

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.

- Braunreiter & Richter Lawsuit -

Motion by Alderman Patzer to move into Open Session at 9:01 p.m. Seconded by Alderman Kaminski and carried unanimously.

OPEN SESSION

Possible Action on Appointment of City Assessor

Motion by Alderman Wysocki to recommend to Council approval of the Mayoral Appointment of Paul Koller as the City Assessor. Seconded by Alderman Kaminski and carried unanimously.

Possible Action on Ratification of Teamster Contract

Motion by Alderman Wysocki to recommend to Council to ratify the proposed 3-year Teamster Contract, from 1999-2002. Seconded by Alderman Wilkens and carried unanimously.

Possible Action on Braunreiter & Richter Claim

Motion by Alderman Bullermann to recommend to Council to adopt the court decision and make payments as identified therein in an amount of \$16,713.38. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wilkens to adjourn the meeting at 9:05 p.m. Seconded by Alderman Wysocki and carried unanimously.

William Bowers
City Clerk

WB/nh