

Minutes

Common Council

May 25, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, May 25, 1999, at the New Berlin City Hall at 7:45 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were City Clerk Bill Bowers, City Attorney Paul Reilly, Director of Human Resources Tami Potkay, and Police Lt. Frank Zsohar.

Clerk's Report

City Clerk Bowers gave a Clerk's Report.

MINUTES

Motion by Alderman Wysocki to recommend to Council approval of the Special Minutes of the Common Council Meeting held on April 20, 1999. Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval of the Minutes of the Common Council Meeting held on April 27, 1999. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval of the Special Minutes of the Common Council Meeting held on May 11, 1999. Seconded by Alderman Bullermann and carried unanimously.

COMMUNICATIONS

Communication from Frank Kruzela regarding Sunnyslope Road Reconstruction - Referred to Board of Public Works

Summons and Complaint - Annetta M. Foshey - To City Attorney

Notice of Injury - Annetta M. Foshey - To City Attorney

BUSINESS:

PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the meeting held on May 3, 1999:

Well Head Protection Overlay Ordinance

Motion by Alderman Kaminski to recommend to Council to have the City Attorney draft the Wellhead Protection Overlay Ordinance. Seconded by Alderman Bullermann.

Motion by Alderman Kaminski to refer this item back to the Plan Commission with a request that this be reviewed by the Consultant working on updating various planning documents and rules. Seconded by Alderman Wilkens and carried unanimously.

Milwaukee SMSA Limited Partnership – 2620 S. Calhoun Rd. – Cellular Antenna on Water Tower

Motion by Alderman Kaminski to recommend to Council approval of the request by Milwaukee SMSA Limited Partnership for a cellular antenna on a water tower located at 2620 S. Calhoun Road subject to:

- 1) Approved PSI prefabricated 12' x 27' building plans and/or manufacturer's specifications for review and approval by the Planning Department and the Architectural Control Committee of the Plan Commission. Building to match existing structure.
- 2) All structural Plans to be stamped by a Wisconsin architect and/or engineer.
- 3) Landscape Plan with plan key and plant specifications to be reviewed and approved by the Planning Department. No fence required.
- 4) Review and approval of the City of New Berlin – Water Utility required.
- 5) Antenna arrays require a 3' access tub extension, certification by a structural engineer approved by the City of New Berlin – Water utility required.
- 6) Elevations don't match Keyed plan notes. Elevation shows a 12' building elevation note say 10' and keyed plan notes say 11'. Fence measures to 5' but keyed plan notes say 7'
- 7) Approved lease required to be on file prior to any building permits being granted.

Seconded by Alderman Bullermann.

Motion by Alderman Bullermann to amend the motion to add the following condition: "8) Payments to go directly to the City of New Berlin as the landlord, not the Water Utility." Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Wysocki to refer this item to the Utility Committee. Seconded by Alderman Scheuble and carried unanimously.

Moorland Road Golf Center – 5900 S. Moorland Rd. – Rezone from A-1 to P-1

A Public Hearing was scheduled for June 22, 1999 at 7:00 p.m.

Communication To: Plan Commission from City Clerk Bill Bowers dated April 8, 1999.

RE: Campaign Signs/Communication from Paul F. Reilly & Teresa Rajala

Motion by Alderman Kaminski to recommend to Council to have an ordinance drafted relating to the location of election signs. Seconded by Alderman Wysocki.

Motion by Alderman Wilkens to drop this item from the agenda, as the Planning Department, City Attorney and City Clerk have worked out a solution. Seconded by Alderman Bullermann and carried unanimously.

BOARD OF PUBLIC WORKS - No Report

UTILITY COMMITTEE

Alderman Wysocki reported from the Special Meeting held on May 12, 1999:

Water Use Restrictions

Motion by Alderman Wysocki to recommend to Council approval to repeal and recreate Section 13.05, Water Sprinkling Restrictions as follows:

13.05 Water Use Restrictions. The Utility Manager is authorized to create, implement and maintain regulations on the outdoor use of water provided by the New Berlin Water Utility as may be necessary to conserve the capacity and pressure of the water supply for the protection of the public health, safety and welfare. These regulations may apply to, but are not limited to, the sprinkling of lawns, gardens, shrubs and trees; car washing; filling of swimming pools; bulk water purchases; installation of new lawns; may designate the days and/or hours when they may or may not be allowed; prohibition of such uses completely in periods of emergency; irrigation of crops, and for commercial car washes that recycle water. These regulations are subject to approval of the Utility Committee and shall be filed in the Office of the City Clerk.

Seconded by Alderman Patzer and carried unanimously.

MAYORAL APPOINTMENTS

Library Board

Motion by Alderman Bullermann to recommend to Council the Mayoral Appointment of Diane C. Gihring and Michael J. Burr to the Library Board, both with an expiration date of June 30, 2002. Seconded by Alderman Wysocki and carried unanimously.

SAFETY COMMISSION - No Report

REFERRALS, DEFERRALS, AND TABLED ITEMS/None

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 Kaminski and carried unanimously.

UTILITY

From May 12, 1999:

Sewer Claims

Motion by Alderman Kaminski to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$7,210.12, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

Water Claims

Motion by Alderman Bullermann to recommend to Council approval of the payment of Water Utility Claims in the amount of \$32,128.22, all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

For May 26, 1999:

Sewer Claims

Motion by Alderman Kaminski to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$414,000.55, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

Water Claims

Motion by Alderman Chiovatero to recommend to Council approval of the payment of Water Utility Claims in the amount of \$202,002.05, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

LICENSES

Bartender's License

Motion by Alderman Wilkens to recommend to Council denial of the Bartenders License to Thomas J. Landrum. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval of the Bartenders License for the year 1998/2000 to Margaret A. Aitchison, Matthew A. Tenges, Barbara A. Trapp, Monica Wiegeler, and Scott A. Wiegeler. Seconded by Alderman Wysocki and carried unanimously.

Special Class "B" Retailers License

Motion by Alderman Wilkens to recommend to Council approval of the Special Class "B" Retailers License to sell Fermented Malt Beverages at Picnics or Gatherings to St. Elizabeth Ann Seton Parish from July 23, 1999 to July 25, 1999 at 12700 W. Howard Avenue. Seconded by Alderman Kaminski 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 Pendulum Pub, 1959 S. 124 Street, on Saturday, June 26, 1999 from 12:00 p.m. to 9:00 p.m. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment. Seconded by Alderman Wilkens and carried unanimously.

MISCELLANEOUS

Award of Contract for Converting the Heating System from Steam Hot Water at Hickory Grove Center

Motion by Alderman Wilkens to recommend to Council that the low bidder Power Specialties Corporation be awarded the contract for converting the heating system on the north wing of Hickory Grove Center

from steam to hot water in the amount of \$34,879.63 Seconded by Alderman Wysocki and carried unanimously.

Award of Contract for Neighborhood Park Construction on the 8 Acre Former Hlavinka Parcel

Motion by Alderman Wilkens to recommend to Council that the low bidder J. Kasian & Sons, Inc. be awarded the contract for grading, seeding, mulching and installation of asphalt on the former Hlavinka property in the amount of \$46,525.95. Seconded by Alderman Chiovatero and carried unanimously.

Award of Contract to Springsted for Financial Services

Motion by Alderman Kaminski to recommend to Council that the City contract with Springsted Incorporated to provide continuing disclosure and/or arbitrage rebate services for the 1999A, 1999B, and 1999C debt issues. Seconded by Alderman Wysocki and carried unanimously.

Authorization to Acquire Property in Flood Plain

Motion by Alderman Patzer to recommend to Council adoption of Resolution 99-29. Seconded by Alderman Bullermann and carried unanimously.

Official City Newspaper

Motion by Alderman Kaminski to recommend to Council acceptance of the bid from CNI Newspapers for the publication of legal notices and Council proceedings for the following year. Seconded by Alderman Wilkens and carried unanimously.

Bids for Division 17 (Security and Telecommunications) - Safety Building

Motion by Alderman Wysocki to recommend to Council to reject the two bids, Penetrator Sound & Lighting, Inc. and Hi-Tech Communications, Inc., due to irregularities in the structure of the received bids. Seconded by Alderman Bullermann and carried unanimously.

Reallocation of Funds

Motion by Alderman Bullermann to recommend to Council authorization for the transfer of funds as follows, and to direct the City Clerk to prepare the proper resolution:

DPW		Court		Human Resources	
From	561.110.05 \$14,756	To	509.110.06 \$7,636	504.110.05	\$8,500
	561.121.00 1,814		509.121.00 848	504.121.00	944
	561.122.00 1,133		509.122.00 584	504.122.00	650
	561.123.00 1,407				
	561.125.00 52				

Identification of funds transferred from DPW are a result of the position identified therein being eliminated.

Seconded by Alderman Wilkens and carried unanimously.

Utility Maintenance Easement on Dakota Street

Motion by Alderman Wysocki to recommend to Council approval of the Utility/ Maintenance Easement for Dakota Street, and that the 40 ft. wide easement be 25 ft. on the south side of the former center line of the road and 15 ft. on the other. Seconded by Alderman Chiovatero and carried unanimously.

Change Order- Safety Building

Motion by Alderman Bullermann to recommend to Council authorization for a change order to have the current plumbing contractor, Joe DeBelak Plumbing Co. Inc., extend their current contract to connect the Public Safety Building storm sewer system to the City storm sewer system, in an amount of approximately \$17,000. Seconded by Alderman Wysocki and carried unanimously.

FINANCE

Claims

From May 12, 1999:

Motion by Alderman Wysocki to recommend to Council approval of the bi-weekly claims in the amount of \$435,023.71, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

For May 26, 1999:

Motion by Alderman Chiovatero to recommend to Council approval of the bi-weekly claims in the amount of \$1,219,114.09, all of which represents payments to vendors. Seconded by Alderman Kaminski and carried unanimously.

LICENSES

Amendment to "Class B" Retailers License

Motion by Alderman Patzer to recommend to Council approval of the amendment to the "Class B" Retailers License to include the "Outside Premises" for Just Matty's, 14460 W. College Avenue, from August 20, 1999 to August 22, 1999 with the music ending at 10:00 p.m. all three nights, and outdoor alcohol service and consumption ending at 11:00 p.m. on Friday and Saturday, and at 10:00 p.m. on Sunday. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment. Seconded by Alderman Wilkens and carried unanimously.

RESOLUTIONS AND ORDINANCES

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

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-11. Seconded by Alderman Patzer and carried unanimously.

Resolution No. 99-28 "Reallocation of Funds"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-28. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 99-29 "A Resolution to Authorize Request for Proposals from Appraisal Firms, Title Companies, Relocation Consulting Firms and Demolition Contractors Regarding the Property Acquisition Project"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-29. Seconded by Alderman Wysocki and carried unanimously.

Resolution No. 99-30 "Reallocation of Funds"

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-30. Seconded by Alderman Bullermann and carried unanimously.

Ordinance No. 2073 "An Ordinance to Create Section 8.055 of the Municipal Code of the City of New Berlin Regarding Administrative Procedures to Prevent Delays in the Improvement of City Streets and Highways" (1st Reading)

City Clerk Bowers gave the first reading of Ordinance No. 2073.

Ordinance No. 2075 "An Ordinance to Repeal and Recreate Section 13.05 of the Municipal Code of the City of New Berlin Relating to Water Use Restrictions" (1st Reading)

City Clerk Bowers gave the first reading of Ordinance No. 2075.

Council President's Report

Council President Wilkens gave a Council President's Report.

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report - No Report

Motion by Alderman Bullermann to adjourn the meeting at 8:45 p.m. Seconded by Alderman Patzer and carried unanimously.

**William Bowers
City Clerk**

WB/nh