

Minutes

Common Council

July 27, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, July 27, 1999, at the New Berlin City Hall at 9:30 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, City Treasurer Mike Holzinger, City Planner Steve Hoese, Director of BIZ Bob Sigrist, Director of Human Resources Tami Potkay, Police Lt. Frank Zsohar, DPW Hamid Hashemizadeh, Utility Superintendent Larry Wilms, City Engineer Jeff Chase, and Division Engineer J.P. Walker.

ACTION ON PUBLIC HEARINGS

Special Assessment Westbrooke Area Sewer and Water/Resolution No. 99-36 "Final Resolution in Accordance with Section 66.60 Wisconsin Statutes Authorizing Construction of Water and Sewer Mains and Levying Special Assessments Against Benefitted Property in the Westbrooke Assessment District"

Motion by Alderman Patzer to recommend to Council to reject the adoption of Resolution No. 99-36. Seconded by Alderman Wilkens and carried with Aldermen Bullermann and Kaminski voting "no".

Motion by Alderman Wilkens to suspend the Common Council and resume the Committee of the Whole Meeting at 9:55 p.m. Seconded by Alderman Patzer and carried unanimously.

The Common Council Meeting resumed at 11:05 p.m.

Clerk's Report

City Clerk Bowers gave a Clerk's Report.

MINUTES

Motion by Alderman Wysocki to recommend to Council approval of the Public Hearing Minutes regarding Applewood Senior Homes Addition (Greg and Debbie Petruski Rezoning) held on July 13, 1999. Seconded by Alderman Bullermann and carried with Alderman Patzer voting present.

Motion by Alderman Bullermann to recommend to Council approval of the Public Hearing Minutes regarding Hotel Height Restrictions held on July 13, 1999. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Common Council Meeting held on July 13, 1999. Seconded by Alderman Chiovatero and carried unanimously.

COMMUNICATIONS

Reconsideration Request from Alderman Jack Chiovatero regarding Building Maintenance Staffing

Motion by Alderman Chiovatero to reconsider the Building Maintenance Technician position in Building Maintenance. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wilkens to recommend to Council to create and fill the position of Building Maintenance Technician effective August 1, 1999. Seconded by Alderman Kaminski and carried with Aldermen Wysocki and Chiovatero voting "no".

Communication from Nancy Kloppenburg in Opposition to Sewer and Water Assessment in Westbrooke Area - On File in Clerk's Office

BUSINESS:

PLAN COMMISSION RECOMMENDATIONS - No Report

BOARD OF PUBLIC WORKS - No Report

UTILITY COMMITTEE

Alderman Bullermann reported from the meeting held on July 23, 1999:

Sanitary Sewer Construction Agreement with KASCO

Motion by Alderman Bullermann to recommend to Council authorization to enter into a construction agreement with KASCO to install a 21" interceptor sewer with a cost not to exceed \$460,000 with funds coming from Sanitary Sewer Impact Fees Account No. 252. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

MAYORAL APPOINTMENTS

Parks and Recreation

Motion by Alderman Wysocki to recommend to Council the appointment of Richard L. Kocchi to the Parks & Recreation Commission, with an expiration date of April 30, 2001. Seconded by Alderman Bullermann and carried unanimously.

Safety Commission

Motion by Alderman Wysocki to recommend to Council the appointment of Anthony Goedheer to the Safety Commission for an indefinite term while employed by the school system. Seconded by Alderman Bullermann and carried unanimously.

ACTION ON PUBLIC HEARINGS

Amendment to Impact Fees

Motion by Alderman Bullermann to recommend to Council to adopt the July 14, 1999 **City of New Berlin Report on Impact Fees and Public Facilities Needs Assessment**, which is an update to the 1995 report referenced in Section 14.025(1)(e) and 14.025(5)(a) of the Municipal Code of the City of New Berlin. This report modifies and supplants those existing fees pertaining to Library, Law Enforcement, Fire Protection, Parks, and Bicycle and Pedestrian Facilities and repeals the existing fee pertaining to Public Works Facilities. No other fees currently imposed under Sections 13.06, 13.07, and 14.025 of the

Municipal Code of the City of New Berlin are modified, supplanted, or repealed by the adoption of this report. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting "no".

SAFETY COMMISSION

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

Installation of OPTICON at Traffic Light Controlled Intersections

Motion by Alderman Wysocki to recommend to Council to adopt a priority control system as soon as possible. Seconded by Alderman Kaminski.

Motion by Alderman Wysocki to refer this item to the Committee of the Whole budget discussion. Seconded by Alderman Bullermann and carried unanimously.

Warning Lights for Fire Trucks Entering Highway

Motion by Alderman Wysocki to recommend to Council that the County be contacted requesting that the extended intersection of Casper Dr./National Ave. & Regal Manor Dr./National Ave. and the intersection of Civic Dr. (Al Stigler Pkwy.)/National Ave. be considered for automatic signals. Seconded by Alderman Kaminski and carried unanimously.

CIVIL SERVICE COMMISSION

Position Bandings

This item will be voted on after Closed Session later in the meeting.

REFERRALS, DEFERRALS, AND TABLED ITEMS

- 1. Fire Department Contract - TABLED 6-22-99 - No Report

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 Chiovatero 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 \$173,007.13, 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 \$47,840.68, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

LICENSES

Bartender's Licenses

Motion by Alderman Scheuble to recommend to Council approval of the Bartender's Licenses for the year 1998/2000 to Travis J. Podrug, Jason C. Ruess, and Shawn R. Severson. Seconded by Alderman Patzer and carried unanimously.

Fireworks Permit

Motion by Alderman Patzer to recommend to Council approval of the Fireworks Permit to display fireworks during half time of the Homecoming Game at New Berlin West High School, 18695 W. Cleveland Ave., on Friday, October 15, 1999, subject to updated proof of required liability insurance coverage. Seconded by Alderman Bullermann and carried unanimously.

Approval of Beer Garden at Matty's

Motion by Alderman Bullermann to recommend to Council to amend the "Class B" Retailers License to include the enclosed Beer Garden at Matty's, 14460 West College Avenue, subject to final approval by the Inspection Department. Plans are on file in the Clerk's Office. Seconded by Alderman Scheuble and carried unanimously.

MISCELLANEOUS

New Berlin's Seventh Annual Historic Day

Motion by Alderman Patzer to recommend to Council the closing of National Avenue from Barton Road west to West Side Pub on Sunday, September 12, 1999, from 11 a.m. until 5 p.m. Seconded by Alderman Wysocki and carried unanimously.

CVMIC 3-Year Renewal

Motion by Alderman Wilkens to recommend to Council that the City continue as a member of the Cities and Villages Mutual Insurance Company (CVMIC) for the policy years 2000, 2001, 2002 with a Self-Insure Retention (SIR) of \$50,000 and premiums of \$50,541 in 2000, \$51,552 in 2001, and \$52,583 in 2002. Seconded by Alderman Kaminski and carried unanimously.

Appoint Mike Holzinger as TID Manager

Motion by Alderman Wilkens to recommend to Council to appoint City Treasurer Michael Holzinger as the TID Manager. Seconded by Alderman Wysocki and carried unanimously.

Change Order for Public Safety Building

Motion by Alderman Wysocki to recommend to Council that the change orders listed (Compacted Granular fill, Distribution and Compaction of Spoil Piles, and Roof Blocking) be approved for Luterbach Construction at the Public Safety Building in the amount of \$48,185.10. Seconded by Alderman Bullermann and carried unanimously.

Flag Pole at Public Safety Building

Motion by Alderman Wysocki to recommend to Council that Eder Flag Manufacturing Co. be selected to supply and install the flag pole at the Public Safety Building in the amount of \$2,084.80. Seconded by Alderman Bullermann and carried unanimously.

Evidence and Locker Room Lockers at Public Safety Building

Motion by Alderman Wysocki to recommend to Council that Marshfield Book & Stationery be selected as the supplier of the evidence and locker room lockers at the Public Safety Building in the amount of \$53,485. Seconded by Alderman Bullermann and carried unanimously.

Overhead Garage Doors for Public Safety Building

Motion by Alderman Wysocki to recommend to Council that Waukesha Door be selected as the successful bidder for the Overhead Door contract for the Public Safety Building in the amount of \$18,198. Seconded by Alderman Bullermann and carried unanimously.

Hot Asphalt Paving for Public Safety Building

Motion by Alderman Wysocki to recommend to Council that Payne & Dolan be selected as the successful bidder for the Hot Asphalt Paving at the Public Safety Building in the amount of \$148,515. Seconded by Alderman Bullermann and carried unanimously.

Purchase and Installation of Specialized Casework for Booking Room, Evidence Processing Rooms, and Weapons Maintenance Area at Public Safety Building

Motion by Alderman Wysocki to recommend to Council that Wynn O. Jones and Associates be selected for the purchase and installation of the specialized casework for Booking Room, Evidence Processing Rooms, and Weapons Maintenance Area at the Public Safety Building in the amount of \$27,871. Seconded by Alderman Bullermann and carried unanimously.

Formation of Ad Hoc to Review Developer's Plan Process

Motion by Alderman Wilkens to recommend to Council the formation of an Ad Hoc Committee to include the Mayor and three (3) Aldermen to be appointed by the Council President to review the process and submit recommended changes. Seconded by Alderman Bullermann and carried unanimously.

REFERRALS FROM COUNCIL

Communication from Waukesha County Dept. of Transportation re: Traffic Signals at Moorland Road and Mayflower Drive

Motion by Alderman Wilkens to recommend to Council to authorize the Engineering Dept. to complete the Freemont Lane extension in Regal Manor East to Howard Avenue, a previously approved CIP project. Seconded by Alderman Patzer and carried unanimously.

FINANCE

Claims

Motion by Alderman Wysocki to recommend to Council approval of the bi-weekly claims in the amount of \$1,679,142.40, all of which represents payments to vendors. Seconded by Alderman Bullermann and carried unanimously.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2078 "An Ordinance Repealing Sections 3.12: 13.03 and 13.04 of the Municipal Code of the City of New Berlin Pertaining to Special Assessment Policy and Procedures and Sewer and Water Main connection Charges and Creation Section 13.03 Pertaining to Special Assessments and Connection Charges for Municipal Utilities" (2nd Reading)

City Clerk Bowers gave the second reading of Ordinance No. 2078.

Resolution No. 99-37 "Transfer of Funds"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-37. Seconded by Alderman Patzer and carried with Alderman Patzer voting "no".

Resolution No. 99-38 "Transfer of Funds"

Motion by Alderman Bullermann to recommend to Council approval and adoption of Resolution No. 99-38. Seconded by Alderman Kaminski and carried with Aldermen Wysocki, Patzer, and Scheuble voting "no".

Council President's Report

Council President Wilkens reported that the Aldermanic Appointments to the Ad Hoc Committee to review the developer plans process will be Aldermen Bullermann, Wilkens, and Kaminski.

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report - No Report

Motion by Alderman Kaminski to move into Closed Session at 11:30 p.m. Seconded by Alderman Chiovatero. 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 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.

(3) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

- Position Bandings -
- Salary for Associate Planner/GIS -

(7) 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 is or likely to become involved.

- Settlement of Equal Rights Claim -

Motion by Alderman Chiovatero to move into Open Session at 12:00 a.m. Seconded by Alderman Wilkens and carried unanimously.

OPEN SESSION

Possible Action on Salary for Associate Planner/GIS

Motion by Alderman Kaminski to recommend to Council approval of the starting salary in the amount of \$39,000 for the Associate Planner/GIS position. Seconded by Alderman Wilkens and carried unanimously.

Possible Action on Position Bandings

Motion by Alderman Bullermann to recommend to Council approval of the Decision Band Method banding for the IS Coordinator at B-2-3, salary grade 6, and City Assessor, City Clerk, Director of IS, and Director of Human Resources all at D-6-3, salary grade 14, all effective July 1, 1999. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Kaminski to reconsider the Consent Agenda. Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Wilkens to approve the items on the Consent Agenda, except for the following motion. Seconded by Alderman Chiovatero and carried unanimously.

REFERRALS FROM COUNCIL

Communication from Waukesha County Dept. of Transportation re: Traffic Signals at Moorland Road and Mayflower Drive

Motion by Alderman Wilkens to recommend to Council to authorize the Engineering Dept. to complete the Freemont Lane extension in Regal Manor East to Howard Avenue, a previously approved CIP project. Seconded by Alderman Patzer.

Motion by Alderman Wilkens to recommend to Council to drop the letter from Waukesha County regarding lights at Moorland Road and Mayflower Drive. Seconded by Alderman Patzer and carried unanimously.

Consensus to redirect funds from the proposed light to the next priority item (Freemont Lane) as previously approved at a prior Council Meeting.

Motion by Alderman Wysocki to adjourn the meeting at 12:05 a.m. Seconded by Alderman Bullermann and carried unanimously.

**William Bowers
City Clerk**

WB/nh