

Minutes

Common Council Minutes

August 24, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, August 24, 1999, at the New Berlin City Hall at 7:20 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 and Director of Human Resources Tami Potkay.

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 the Preserve at Weatherstone Meadows held on August 20, 1999. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Patzer to recommend to Council approval of the Public Hearing Minutes regarding the Rezoning at 20355 W. Greenfield Avenue held on August 10, 1999. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Chiovatero to recommend to Council approval of the Minutes of the Common Council Meeting held on August 10, 1999. Seconded by Alderman Kaminski and carried unanimously.

COMMUNICATIONS

Communication from Eugene Szaj/Star of Bethlehem regarding Extension of Casper Drive

Motion by Alderman Wilkens to refer this item to the Board of Public Works, with input requested from the Parks and Recreation Commission and the Plan Commission. Seconded by Alderman Kaminski and carried unanimously.

BUSINESS:

LANDMARKS COMMISSION

Alderman Chiovatero reported from the meeting held on August 12, 1999:

Designation of Clark-Pitman-Milham House (Milham House and Barn) as New Berlin Landmark

Motion by Alderman Scheuble to recommend to Council the designation of the Clark-Pitman-Milham House (Milham House and Barn), now owned by Mary Ella Milham, located at 20900 W. Cleveland Avenue a New Berlin Landmark, because it meets various criteria in Section 14.53 of our Municipal Code. Seconded by Alderman Chiovatero and carried unanimously.

PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the meeting held on August 2, 1999:

Zoning Code Revision/Ordinance No. 2079

Motion by Alderman Kaminski to recommend to Council to reject Ordinance No. 2079 as we are no longer interested in a blanket discussion or waiver on lifting hotel height restrictions. Seconded by Alderman Patzer and carried unanimously.

BOARD OF PUBLIC WORKS

Westridge/TIF Projects

Alderman Wysocki gave a report on the Westridge/TIF projects from the Board of Public Works Meeting that was held this evening.

UTILITY COMMITTEE

Alderman Bullermann reported from the meeting held on August 19, 1999:

Buena Park Manhole Rehabilitation Award of Contract

Motion by Alderman Bullermann to recommend to Council award of construction contract for Buena Park Manhole and Sanitary Sewer Rehabilitation Project, #99-03-831.04, to the lowest responsive, responsible bidder, M.J. Construction, Inc., in the amount of \$216,190 and a total project cost in the amount of \$272,800, with funds coming from Waste Water Account No. 831.04. Seconded by Alderman Wysocki and carried unanimously.

Alderman Bullermann reported from the meeting held this evening:

Lease Agreement for Wireless Communication Facilities - Milwaukee SMSA Limited Partnership

Motion by Alderman Bullermann to recommend to Council approval of the lease agreement with Milwaukee SMSA Limited Partnership, as amended by the Utility Committee to install wireless communication facilities on Calhoun Road. Seconded by Alderman Wysocki and carried unanimously.

Lease Agreement for Wireless Communication Facilities - Indus, Inc.

Motion by Alderman Bullermann to recommend to Council approval of the lease agreement with Indus, Inc., as amended by the Utility Committee to install wireless communication facilities on the Calhoun Road Water Tower. Seconded by Alderman Wysocki and carried unanimously.

MAYORAL APPOINTMENTS - No Report

ACTION ON PUBLIC HEARINGS/None

SAFETY COMMISSION

Alderman Wysocki reported from the meeting held on August 11, 1999:

Speed Reduction - Wehr Rd./Ordinance No. 2065

Motion by Alderman Wysocki to recommend to Council that Ordinance No. 2065 be rejected and no further action be taken regarding the Wehr Road speed limit. Seconded by Alderman Patzer and carried unanimously.

Moorland Road at Grange Avenue - Intersection Safety

Motion by Alderman Wysocki to recommend to Council the approval of signalization and street lighting for the intersection of Moorland Road and Grange Avenue. Seconded by Alderman Wilkens.

Motion by Alderman Wysocki to table this item. Seconded by Alderman Kaminski and carried unanimously.

AD HOC GARBAGE AND DEBRIS COMMITTEE

Alderman Bullermann reported from the meeting held this evening:

Citywide Trash Collection

Motion by Alderman Bullermann to recommend to Council to revise the vendor license agreements to require yard debris services on a subscription basis, and to direct the City Clerk to prepare the proper Ordinance and place rules on file in the Clerk's Office. Seconded by Alderman Kaminski and carried unanimously.

REFERRALS, DEFERRALS, AND TABLED ITEMS

a. 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 Bullermann to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$11,626.20, all of which represents payments to vendors. Seconded by Alderman Wysocki 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 \$42,238.04, all of which represents payments to vendors. Seconded by Alderman Chiovatero and carried unanimously.

LICENSES

Bartender's Licenses

Motion by Alderman Wysocki to recommend to Council approval of the Bartender's Licenses for the year 1998/2000 to Daniel N. Bujanovich, Traci L. Gilliam, Robert H. Keelan III, Karen L. Malinka, and Donald E. Zarder. Seconded by Alderman Scheuble and carried unanimously.

Fireworks Permit

Motion by Alderman Kaminski to recommend to Council approval of the Fireworks Permit to display fireworks during half-time of the Homecoming Game at Eisenhower High School, 4333 S. Sunny Slope Rd., on Friday, October 1, 1999. Seconded by Alderman Wilkens and carried unanimously.

FINANCE

Claims

Motion by Alderman Wilkens to recommend to Council approval of the bi-weekly claims in the amount of \$1,990,134.05, all of which represents payments to vendors. Seconded by Alderman Kaminski and carried unanimously.

LICENSES

Bartender's License

Motion by Alderman Wysocki to recommend to Council denial of the Bartender's License for the year 1998/2000 to Lynn M. Mahutga. Seconded by Alderman Bullermann and carried unanimously.

RESOLUTIONS AND ORDINANCES

Resolution No. 99-40 "Transfer of Funds"

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-40. Seconded by Alderman Bullermann and carried with Alderman Patzer voting "no".

Council President's Report - No Report

Mayor's Report

Mayor Gatzke gave a Mayor's Report.

City Attorney's Report

City Attorney Paul Reilly gave a City Attorney's Report.

Motion by Alderman Wysocki to move into Closed Session at 8:20 p.m. Seconded by Alderman Patzer. 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.

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

- Employee Performance Evaluation -

(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.

- Wendy Tumey Claim -
- Burgraff Lawsuit -
- Ziegler Claim -

Motion by Alderman Wysocki to move into Open Session at 10:05 p.m. Seconded by Alderman Chiovatero and carried unanimously.

OPEN SESSION

Possible Action on Wendy Tumey Claim

Motion by Alderman Wilkens to recommend to Council to deny the Wendy Tumey Claim, per the recommendation of City Attorney Paul Reilly. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting "no".

Possible Action on Burgraff Lawsuit

Motion by Alderman Patzer to recommend to Council to schedule the razing of the building at 17047 West Greenfield Avenue on September 17, 1999, to authorize the City Attorney to hire a demolition company, to direct the City Clerk to place this item on the September 14, 1999 Committee of the Whole and Common Council Agendas, and to notify the residents of the action of the Common Council. Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no".

Motion by Alderman Wysocki to adjourn the meeting at 10:10 p.m. Seconded by Alderman Bullermann and carried unanimously.

William Bowers
City Clerk

WB/nh