

# Minutes

## Common Council

November 23, 1999

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, November 23, 1999, at the New Berlin City Hall at 9:05 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Bill Bowers, Deputy City Clerk Nancy Hoffmann, Director of Planning Steve Hoese, Asst. Director of Planning Mark Lake, City Engineer Jeff Chase, Director of BIZ Bob Sigrist, Director of Human Resources Tami Potkay, Director of Finance Mike Holzinger, Director of Streets, Parks & Recreation Paul Leuthold, Office Coordinator Cheryl Bowers, Streets Superintendent Lee Ystad, Streets Supervisor Chuck Trevorrow, Utility Operations Manager Tom Krumplitsch, and Police Lt. Frank Zsohar.

### Clerk's Report

Mayor Gatzke presented former City Clerk Bill Bowers with a plaque on behalf of the Common Council, for his 18 ½ years of employment with the City.

### COMMUNICATIONS:

Communication from Mayor Gatzke Re: Veto of Land Division at 1505 S. Arcadian Dr.

Motion by Alderman Kaminski to override the veto. Seconded by Alderman Patzer.

Motion by Alderman Bullermann to allow Attorney Schober to address the Council. Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Bullermann to allow Mr. Peters to address the Council. Seconded by Alderman Wysocki and carried unanimously.

Upon voting on the motion to override the veto, the motion failed with Aldermen Patzer, Wilkens and Kaminski voting "yes".

### PLAN COMMISSION RECOMMENDATIONS

Alderman Kaminski reported from the meeting held on November 8, 1999:

#### Hidden Creek - 12501 W. Howard Ave. - Revised Preliminary Plat

Motion by Alderman Kaminski to recommend to Council approval of the Hidden Creek preliminary plat for an 18-lot single family subdivision located at 12501 W. Howard Avenue subject to:

1. Satisfy detailed Engineering Department concerns as they relate to the grading onsite. Detailed plans and calculations for all detention or retention areas required. Typical lot grading plan required for Final Subdivision approval, especially the end of Court B on the corner of 124<sup>th</sup> and Howard which may influence lot layout and basin.
2. Tree Preservation Easement required on all but the front 110' of lots 12-18. A 25' Tree Preservation Easement required along the southern lotline of lot 18. Tree Preservation Easement

Restrictions similar to Wetland Preservation Restrictions to be created and placed on the face of the plat prior to Final Subdivision approval.

3. More detailed Conservancy Area Restrictions required. Restrictions as listed in report by Mr. Gary S. Casper required to be placed on the face of the plat prior to Final Plat approval. The Butler's Garder Snake Document prepared by Mr. Gary S. Casper is to be attached to each deed in proposed subdivision. Conservancy area to include all delineated wetlands.
4. Conservancy area to be created as an outlot to the subdivision. There shall be 18 equal and undividable shares assigned to the lots within the development.
5. New homes on lots 12-18 will be deed restricted to front entry only, and driveways are to be preplanned and oriented to the high side of the building envelope.
6. Subdivision to be fully improved and accepted by the City of New Berlin prior to acceptance of Final Subdivision application.
7. A common fence (i.e. Split-rail type) and/or landscaping treatment required along Howard Avenue and 124<sup>th</sup> Street. Treatment(s) to be installed prior to the city signing the final Plat.
8. Subdivision Monument sign to be included in fencing/landscaping plan and constructed prior to city signing the final plat.
9. Developer's agreement for the construction of the improvements required prior to any construction being commenced or permits being issued.
10. Construction/grading of any of the wooded lots would be limited to the building envelope only. Building envelopes be staked out at the time of the building permit application and delineated and protected by a fence.
11. Adherence to 17.1308(10) Woodland Preservation required. Revised detailed tree replacement plan required. Plan to include No. 7 above.
12. Water main loop in 124th Street required. Connection from water main at Howard Avenue to W. Weatherstone Blvd. within 124th Street required.
13. Due to the topographic relief of most of the lots, exposed basements will be required. Lot owners to be informed (deed restrictions) that slopes need to be preserved. Utility laterals are to be preplanned and developer will be required to have common utility corridors. Retaining walls to be shown on the typical lot grading plan, detailed plans to be submitted with the building permits.
14. Length, bearing and tie to all easements required on final plat.
15. All utilities to be front loaded and constructed within a given lots driveway corridor.
16. Acceleration and deceleration lanes required on Howard Ave.
17. Payment of \$1000.00/lot in Public Site, Open Space and Trail Fees to be paid before City will sign the final plat.

Seconded by Alderman Patzer.

Motion by Alderman Patzer to add Condition 18: Fertilization or use of herbicides or pesticides on improved lots to be restricted to a milorganite or all-organic type product, with a note to be placed on the face of the plat and deed restricted to each lot. Seconded by Alderman Kaminski and carried unanimously.

Motion by Alderman Bullermann to allow Mr. Jon Orne to address the Council. Seconded by Alderman Chiovero and carried with Alderman Kaminski voting "no".

Motion by Alderman Scheuble to allow Atty. Murn to address the Council. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Patzer to end debate. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting "no".

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

Motion by Alderman Scheuble to deny the Hidden Creek preliminary plat for an 18-lot single family subdivision located at 12501 W. Howard Ave. for the following reasons:

1. Does not adhere to the Woodland Preservation Act.
2. Protection of the Trillium that exists in the woods.
3. Threatening the Butler Garden Snake.
4. Drainage concerns.
5. Does not fit the fabric of the neighborhood.

Seconded by Alderman Wilkens.

Alderman Wilkens withdrew his second. Motion dies for lack of a second.

Motion by Alderman Bullermann to reconsider the motion. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Kaminski to recommend to Council approval of the Hidden Creek preliminary plat for an 18-lot single family subdivision located at 12501 W. Howard subject to:

1. Satisfy detailed Engineering Department concerns as they relate to the grading onsite. Detailed plans and calculations for all detention or retention areas required. Typical lot grading plan required for Final Subdivision approval, especially the end of Court B on the corner of 124<sup>th</sup> and Howard which may influence lot layout and basin.
2. Tree Preservation Easement required on all but the front 110' of lots 12-18. A 25' Tree Preservation Easement required along the southern lotline of lot 18. Tree Preservation Easement Restrictions similar to Wetland Preservation Restrictions to be created and placed on the face of the plat prior to Final Subdivision approval.
3. More detailed Conservancy Area Restrictions required. Restrictions as listed in report by Mr. Gary S. Casper required to be placed on the face of the plat prior to Final Plat approval. The Butler's Garder Snake Document prepared by Mr. Gary S. Casper is to be attached to each deed in proposed subdivision. Conservancy area to include all delineated wetlands.
4. Conservancy area to be created as an outlot to the subdivision. There shall be 18 equal and undividable shares assigned to the lots within the development.
5. New homes on lots 12-18 will be deed restricted to front entry only, and driveways are to be preplanned and oriented to the high side of the building envelope.
6. Subdivision to be fully improved and accepted by the City of New Berlin prior to acceptance of Final Subdivision application.
7. A common fence (i.e. Split-rail type) and/or landscaping treatment required along Howard Avenue and 124<sup>th</sup> Street. Treatment(s) to be installed prior to the city signing the final Plat.
8. Subdivision Monument sign to be included in fencing/landscaping plan and constructed prior to city signing the final plat.
9. Developer's agreement for the construction of the improvements required prior to any construction being commenced or permits being issued.
10. Construction/grading of any of the wooded lots would be limited to the building envelope only. Building envelopes be staked out at the time of the building permit application and delineated and protected by a fence.
11. Adherence to 17.1308(10) Woodland Preservation required. Revised detailed tree replacement plan required. Plan to include No. 7 above.
12. Water main loop in 124th Street required. Connection from water main at Howard Avenue to W. Weatherstone Blvd. within 124th Street required.
13. Due to the topographic relief of most of the lots, exposed basements will be required. Lot owners to be informed (deed restrictions) that slopes need to be preserved. Utility laterals are to be preplanned and developer will be required to have common utility corridors. Retaining walls to be shown on the typical lot grading plan, detailed plans to be submitted with the building permits.
14. Length, bearing and tie to all easements required on final plat.

15. All utilities to be front loaded and constructed within a given lots driveway corridor.
16. Acceleration and deceleration lanes required on Howard Ave.
17. Payment of \$1000.00/lot in Public Site, Open Space and Trail Fees to be paid before City will sign the final plat.
18. Fertilization or use of herbicides or pesticides on improved lots to be restricted to a milorganite or all-organic type product, with a note to be placed on the face of the plat and deed restricted to each lot.

Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

### **ACTION ON PUBLIC HEARINGS**

Motion by Alderman Patzer to recommend to Council approval and adoption of Resolution No. 99-45. Seconded by Alderman Wysocki and carried with Alderman Wilkens voting present.

### **BUDGETS**

#### **2000 CIP Budget - Dredging Linnie Lac/Communication from Linnie Lac Management District**

Motion by Alderman Scheuble to recommend to Council to add \$25,000 to the Stormwater Management Account to provide for the dredging of Linnie Lac. Motion dies for lack of a second.

Alderman Scheuble left the Council Meeting at 11:10 p.m.

### **PLAN COMMISSION RECOMMENDATIONS**

Alderman Kaminski reported from the meeting held on November 8, 1999:

#### **Rustic Ridge - Coffee Rd. & Johnson Rd. - Redivision of Lot #1 - 4, Lot #1 & #2, and Lot #19 & #20 - Preliminary and Final Land Division**

Motion by Alderman Kaminski to recommend to Council approval of the preliminary and final redivision of lot 19 and 20 in Rustic Ridge Subdivision located at Coffee Road and Johnson Road subject to:

1. Owners to sign prior to City signing final CSM.

Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Kaminski to recommend to Council approval of the preliminary and final redivision of lot 1 and 2 in Rustic Ridge Subdivision located at Coffee Road and Rustic Ridge Road subject to:

1. Errors in the Surveyors Certificate to be corrected before the City will sign the final CSM. CSM does not close. Lot dimensions not consistent with Subdivision Plat.
2. Proposed driveway on Parcel 1 has only 12' available due to the erroneous location of the utilities. Utilities to be relocated to lotline which is approximately 20' east, or they need to be relocated a minimum of 10' west to allow for proper placement of driveway. Also there be a common access between both lots to be located on Lot #2. Access easement needs to be labeled on the face of the plat.
3. Owners to sign prior to the city signing the final CSM.
4. Payment of \$1,000 in Public Site, Open Space and Trail Fees required prior to the City signing the Final CSM.

Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Kaminski to recommend to Council approval of the preliminary and final redivision of lot 1 - 4 in Rustic Ridge Subdivision located at Coffee Road and Johnson Road subject to:

1. Drainage easement and wetland need to accurately reflect the as-built condition.
2. WDNR, Army Corp, and City Engineer approval of wetland mitigation required or restore damage prior to City signing the final CSM.
3. Owners to sign prior to the City signing the final CSM.

Seconded by Alderman Patzer and carried unanimously.

### **Towne Corporate Park - Emmer Drive - Preliminary and Final Two-Lot Land Division**

Motion by Alderman Kaminski to recommend to Council approval of the preliminary and final two lot land division located on Emmer Drive subject to:

1. Payment of \$2,560 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.
2. All required impact fees for sewer and water are to be paid prior to issuance of building permits.
3. DOT approval to be placed on the face of the CSM.
4. Owners must sign prior to City signing the Final CSM.

Seconded by Alderman Patzer and carried unanimously.

### **Bethel Assembly of God - 17770 W. Cleveland Ave. - Rezone from A-2 to I-1 Institutional**

Motion by Alderman Kaminski to recommend to Council approval of the request by Bethel Assembly of God to rezone the property located at 17770 W. Cleveland Avenue from A-2 to Institutional subject to:

1. Site and Architecture to be thoroughly reviewed during the use, site and architectural review process.
2. County Access Permit required for access to Cleveland Avenue.
3. Adherence to 17.1308 (10) Woodland Preservation restrictions required.
4. Floodplain and Wetland delineation is required and must be field verified by the Wisconsin DNR and Corps of Engineers.
5. Building must meet all applicable State and local building and fire codes.
6. 25% openspace required within development.
7. Detailed traffic study for the potential impact to Cleveland Avenue required.
8. Submission of percolation tests done for two sites suitable for a conventional septic system of a single mound system or other state approved sanitary system.
9. Acceptance of offer by applicant of payment in lieu of taxes to address services to the site.

Seconded by Alderman Wilkens.

A Public Hearing was scheduled for January 11, 2000 at 7:00 p.m., with 1,000 ft. notice.

Alderman Scheuble returned to the meeting at 11:15 p.m.

## **BUDGETS**

### **2000 CIP Budget**

Motion by Alderman Wysocki to recommend to Council approval of the 2000 CIP Budget in the amount of \$2,904,871. Seconded by Alderman Bullermann.

Motion by Alderman Bullermann to amend the CIP Budget and increase the Streets Division account by \$10,000 from \$55,000 to \$65,000 for the purchase of a tractor with a mower. Seconded by Alderman Wysocki and carried with Alderman Scheuble voting "no".

Motion by Alderman Wysocki to amend the CIP Budget to provide \$195,000, of which 80% would be federally grant funded for an Intersection Control System. Seconded by Alderman Wilkens and carried with Aldermen Scheuble and Wilkens voting "no".

Motion by Alderman Wilkens to amend the CIP Budget to add \$60,000 to provide for a stop light at Mayflower Drive and Moorland Road. Seconded by Alderman Bullermann and carried with Aldermen Wysocki, Patzer and Scheuble voting "no".

Motion by Alderman Scheuble to amend the CIP Budget to increase the Stormwater Management Account by \$27,000 for any sediment that leaves New Berlin. Motion dies for lack of a second.

Motion by Alderman Wysocki to recommend to Council approval of the 2000 CIP Budget as amended, in the amount of \$3,219,871. Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no".

### **2000 Operating Budget**

Motion by Alderman Bullermann to recommend to Council to approve the 2000 Operating Budget in the amount of \$25,763,077, with a levy of \$15,878,744, a tax rate of 6.3920/1000, and an increase of 4.67%. Seconded by Alderman Patzer.

Motion by Alderman Wysocki to modify the following Revenue Accounts: 322.001 - Per Capita - reduce by \$26,706 for a revised amount of \$1,015,095; 323.004 Expenditure Restraint - increase by \$53,986 for a revised amount of \$341,909; 327.000 Road Aids - increase by \$109,737 for a revised amount of \$1,295,912; 323.001 Exempt Computer Aid - increase by \$394,186 for a revised amount of \$394,186; 311.000 General Taxes (Levy) - reduce by \$439,607 for a revised amount of \$15,439,137; modify the following Expenditure Accounts: Health Insurance Accounts - increase by \$41,596 for a revised amount of \$1,245,696; and 616.000 Contingency - increase by \$50,000 for a revised amount of \$650,000. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

Motion by Alderman Bullermann to approve the 2000 Operating Budget as amended, in the amount of \$25,854,673, with a levy of \$15,439,137, a tax rate of 6.2225/1000, which is an increase of 2.15%. Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

### **2000 Water Utility Budget**

Motion by Alderman Wysocki to recommend to Council approval of the 2000 Water Utility Budget in the amount of \$3,374,078. Seconded by Alderman Bullermann and carried unanimously.

### **2000 Wastewater Utility Budget**

Motion by Alderman Wysocki to recommend to Council approval of the 2000 Wastewater Utility Budget in the amount of \$7,482,376. Seconded by Alderman Bullermann and carried unanimously.

### **2000 Water Utility CIP Budget**

Motion by Alderman Wysocki to recommend to Council approval of the 2000 Water Utility CIP Budget in the amount of \$417,000. Seconded by Alderman Bullermann and carried unanimously.

### **2000 Wastewater Utility CIP Budget**

Motion by Alderman Wysocki to recommend to Council approval of the 2000 Wastewater Utility CIP Budget in the amount of \$375,000. Seconded by Alderman Bullermann and carried unanimously.

### **MINUTES**

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Common Council Meeting held on October 26, 1999. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Public Hearing of November 2, 1999 regarding 2000 Budget. Seconded by Alderman Wysocki and carried with Alderman Patzer voting present.

Motion by Alderman Bullermann to recommend to Council approval of the Minutes of the Public Hearing held on November 2, 1999 regarding Growth and Development Management Plan. Seconded by Alderman Wysocki and carried with Alderman Patzer voting present.

Motion by Alderman Kaminski to recommend to Council approval of the Minutes of the Public Hearing of November 9, 1999 regarding IRB Bond. Seconded by Alderman

Wilkins and carried with Alderman Bullermann voting present.

### **COMMUNICATIONS:**

Notice of Appeal - John Burggraf - to City Attorney

Summons and Complaint - MMT, LLP - to City Attorney/Referred to Cramer, Multhauf & Hammes, LLP

Notice of Claim - Buddy and Irene Schelman - to City Attorney

### **BOARD OF PUBLIC WORKS**

Alderman Wysocki reported from the meeting held on November 17, 1999:

#### **Deer Creek Interceptor Sewer Extension - Award of Contract**

Motion by Alderman Wysocki to recommend to Council approval of the award of an engineering contract to Graef, Anhalt, Schloemer & Associates, Inc. for the study and design of the Deer Creek Interceptor Sewer Extension in the amount of \$66,660 funded by the Sanitary Sewer Impact Fees Account No. 252. Seconded by Alderman Patzer and carried unanimously.

#### **Westridge TIF Phase 3**

Motion by Alderman Wysocki to recommend to Council approval of the following 7 projects:

1. Beloit & Moorland Rd. roadway and intersection reconstruction (Beloit Rd; I-43 to Moorland and Moorland Rd; I-43 to Beloit).
2. Calhoun Creek Floodplain Remediation and LOMA.

3. Cul-de-sac to the ramp parcel (Rausch/May property).
4. Moorland Rd. Corridor streetscape and Pedestrian Improvements.
5. Underground relocation of existing aerial utilities.
6. Moorland/Grange intersection Signalization.
7. Beloit Road Reconstruction from Moorland Road to Emmer Drive.

The combined cost of all 7 projects shall be \$1.3 million with funding coming from the TIF Fund, and shall meet the following 4 conditions:

1. Project No. 3 shall be contingent on a cost sharing agreement with the property owners whereby ½ of all cost would be paid for by the property owners and ½ by TIF funds.
2. All roadway and signalization projects shall be contingent upon the Common Council approving a cost sharing agreement with the County and/or adjacent property owners.
3. Project No. 2 shall be contingent upon preliminary engineering concluding that significant saleable lands would be created by flood plain mitigation.
4. Underground utility relocations shall be conditional upon a cost sharing agreement with adjacent developments.

Seconded by Alderman Patzer and carried unanimously.

**UTILITY COMMITTEE/No Report**

**MAYORAL APPOINTMENTS/None**

**SAFETY COMMISSION/No Report**

**CIVIL SERVICE COMMISSION**

**Banding of Position of Assistant Director of Planning**

Motion by Alderman Bullermann to recommend to Council to approve the banding for the position of Assistant Director of Planning at D-6-2 and direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting "no".

**Banding of Position of Treasurer (Director of Finance and Utilities)**

Motion by Alderman Bullermann to recommend to Council to approve the banding for the position of Treasurer (Director of Finance and Utilities) at D-7-2 and direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Kaminski.

Motion by Alderman Bullermann to table this item pending the outcome of the Utility Reorganization. Seconded by Alderman Wysocki and carried unanimously.

**LANDMARKS COMMISSION**

**Re-Name Coffee Road**

Motion by Alderman Bullermann to defer this item. Seconded by Alderman Wysocki and carried unanimously.

**REFERRALS, DEFERRALS, AND TABLED ITEMS**

1. **Fire Department Contract - TABLED 6-22-99 - No Report**
2. **Moorland Road at Grange Avenue - Intersection Safety - TABLED 8-24-99 - No Report**
3. **Ad Hoc Policy Committee:** Enclosed Storm Drainage Projects; Engineer Grading Guidelines; Amendments to Update Policies - TABLED 9-14-99 - No Report
4. **Staff Safety Committee - Purchase of Safety Shoes - TABLED 10-26-99**

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

**Motion on the Floor:** Motion by Alderman Bullermann to recommend to Council that the City annually purchase safety shoes for those employees who are required to wear them. Seconded by Alderman Wysocki.

Upon voting, the motion failed with Aldermen Scheuble and Wilkens voting "yes".

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**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 Kaminski and carried unanimously.

**UTILITY**

From 11-10-99

**Sewer Claims**

Motion by Alderman Bullermann to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$111,577.08, all of which represents payments to vendors. Seconded by Alderman Wysocki 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 \$134,672.85, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

For 11-24-99

**Sewer Claims**

Motion by Alderman Kaminski to recommend to Council approval of payment of Sewer Utility Claims in the amount of \$230,422.11, all of which represents payments to vendors. Seconded by Alderman Wilkens and carried unanimously.

**Water Claims**

Motion by Alderman Wilkens to recommend to Council approval of the payment of Water Utility Claims in the amount of \$901,288.67, 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 Lisa M. Bender, Tina M. Engel, William R. Kriskovic, Robin L. Nelson, John M. Piontkowski, Mike A. Roth, and Michael J. Waedekin. Seconded by Alderman Patzer and carried unanimously.

## **PERSONNEL**

### **Authorization to Fill Position of Clerk/Dispatcher**

Motion by Alderman Bullermann to recommend to Council to fill the position of Clerk/Dispatcher and any residual vacancies. Seconded by Alderman Wysocki and carried unanimously.

### **Authorization to Increase Hours of Clerk/Typist - Streets, Parks & Recreation**

Motion by Alderman Bullermann to recommend to Council to increase the hours of one Clerk/Typist in Streets, Parks & Recreation by 17.5 hours per week. Seconded by Alderman Patzer and carried unanimously.

## **MISCELLANEOUS**

### **Streets Representative to Safety Commission**

Motion by Alderman Bullermann to recommend to Council acceptance of the appointment of Don Ullman, Streets Supervisor, as the representative from the Streets Division to the Safety Commission. Seconded by Alderman Wysocki and carried unanimously.

### **Structure of Technology Committee**

Motion by Alderman Bullermann to recommend to Council that the membership of the Technology Committee be three (3) aldermen appointment by the Council President and two (2) citizen members appointed annually by the Chair of the Committee. Seconded by Alderman Wysocki and carried unanimously.

### **Heating System at Hickory Grove Center**

Motion by Alderman Patzer to recommend to Council a transfer of \$37,000 from contingency account (616) to the 1999 Parks Building Improvement Account (591.820) for the repair of piping to the south wing of Hickory Grove Center, and to direct the City Attorney to prepare the proper Resolution. Seconded by Alderman Kaminski and carried unanimously.

### **Trunked Radio Contract Agreement and Promissory Note Resolution No. 99-46**

Motion by Alderman Wysocki to recommend to Council approval of the Trunked Radio Contract Agreement and recommend the Promissory Note Resolution No. 99-46 to Council, subject to Section 6.4 providing for an insurance policy to cover all the member communities as part of a policy to cover all liability concerns. Seconded by Alderman Kaminski and carried unanimously.

### **Public Safety Building:**

## **Radio Equipment**

Motion by Alderman Wysocki to recommend to Council that Motorola, Inc. be approved as the supplier of the radio system equipment for the Dispatch Consoles for the amount of \$109,279. Seconded by Alderman Kaminski and carried unanimously.

## **Radio Equipment Installation**

Motion by Alderman Wysocki to recommend to Council that Waukesha County Radio Services be approved to handle the move and reinstallation of the Police/Fire Department radio system for the amount of \$16,449.05. Seconded by Alderman Kaminski and carried unanimously.

## **Landscaping**

Motion by Alderman Wysocki to recommend to Council that Kasian Landscaping be approved to handle the landscaping for the amount of \$39,705. Seconded by Alderman Kaminski and carried unanimously.

## **Exercise Flooring**

Motion by Alderman Wysocki to recommend to Council that Malkin's Carpet be approved to purchase and install the exercise room flooring in the Public Safety Building for the amount of \$6,385. Seconded by Alderman Kaminski and carried unanimously.

## **Furniture**

Motion by Alderman Wysocki to recommend to Council that C.J. & Associates be approved to purchase and install the furniture for the total amount of \$247,813.72. Seconded by Alderman Kaminski and carried unanimously.

## **FINANCE**

### **Transfer of Funds**

Motion by Alderman Wysocki to recommend to Council approval of transfer of \$340,546 from the Contingency Account to various accounts per the attached document from City Treasurer Holzinger, and to direct the City Attorney to prepare the proper Resolution. Seconded by Alderman Patzer and carried unanimously.

### **Claims**

From 11-10-99

Motion by Alderman Bullermann to recommend to Council approval of the bi-weekly claims in the amount of \$1,192,575.87, all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

For 11-24-99

Motion by Alderman Bullermann to recommend to Council approval of the bi-weekly claims in the amount of \$1,243,174.89, all of which represents payments to vendors. Seconded by Alderman Patzer and carried unanimously.

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## LICENSES

### **Restriction on Check Out of Liquor at Grocery Stores**

Motion by Alderman Kaminski to recommend to Council that the requirement of a separate liquor checkout for those establishments with multiple checkouts be waived if the store sells liquor through a checkout with a licensed operator manning the checkout; the requirement that only liquor can be run through the dedicated checkout if used be eliminated; and that the City Attorney be directed to draft the proper Ordinance. Seconded by Alderman Wilkens and carried unanimously.

### **Authorization to Fill the Following Positions: City Clerk, Assessment Technician, Lead Operator - Sewer, and Inspector/Plan Reviewer**

Motion by Alderman Kaminski to recommend to Council to authorize the Director of Human Resources to fill the following positions along with any residual vacancies: City Clerk - immediately; Assessment Technician - January 4, 2000; Inspector/Plan Reviewer - January 4, 2000. Seconded by Alderman Wilkens and carried with Alderman Scheuble voting "no".

### **Civil Engineer to Division Engineer Status**

Motion by Alderman Bullermann to recommend to Council to approve the natural progression from Civil Engineer to Division Engineer status upon successful attainment of Professional Engineer certification. Seconded by Alderman Chiovero and carried with Aldermen Wysocki and Chiovero voting "no".

## RESOLUTIONS AND ORDINANCES

### **Resolution No. 99-46 "A Resolution Approving Trunked Radio Services Agreement and Authorizing the Issuance of a General Obligation Promissory Note to Waukesha County to Pay Infrastructure Cost of the Trunked Radio System"**

Motion by Alderman Wysocki to recommend to Council approval and adoption of Resolution No. 99-46. Seconded by Alderman Kaminski and carried unanimously.

### **Ordinance No. 2091 "An Ordinance to Create Section 12.03(13) and 12.19(3)(a)(1) of the Municipal Code of the City of New Berlin Relating to Investigations for Liquor and Adult Oriented Establishment License Applicants" (2<sup>nd</sup> Reading)**

City Clerk Bowers gave the second reading of Ordinance No. 2091.

Motion by Alderman Bullermann to amend the Ordinance to change Sections 12.03(13) and 12.19(3)(a)(1) to read: "...investigation of each applicant within reasonable dispatch after the application has been filed...". Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Bullermann to waive the third reading of Ordinance No. 2091. Seconded by Alderman Patzer and carried unanimously.

Motion by Alderman Wysocki to recommend to Council approval and adoption of Ordinance No. 2091. Seconded by Alderman Bullermann and carried unanimously.

**Ordinance No. 2092 "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. 2092.

Motion by Alderman Bullermann to recommend to Council approval and adoption of Ordinance No. 2092. Seconded by Alderman Wysocki and carried unanimously.

**Council President's Report** - No Report

**Mayor's Report**

Mayor Gatzke gave a Mayor's Report.

**City Attorney's Report**

City Attorney Reilly gave a City Attorney's Report.

Motion by Alderman Bullermann to move into Closed Session at 12:15 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)(e) & (g) 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.

- Offer to Purchase -

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.

- Gopal Avinash Claim -

Motion by Alderman Wysocki to move into Open Session at 12:20 p.m. Seconded by Alderman Chiovatero and carried unanimously.

**OPEN SESSION**

**Possible Action on Offer to Purchase**

Motion by Alderman Patzer to recommend to Council to accept the offer to purchase the Christopherson "Buffalo Lot" in the amount of \$6,000 per acre, a total of 8.154 acres, for a total amount of \$48,924, and to direct the Mayor and Deputy City Clerk to sign the offer to purchase. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wilkens to adjourn the meeting at 12:25 p.m. Seconded by Alderman Bullermann and carried unanimously.

**Nancy Hoffmann**

**Deputy City Clerk**

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