

COMMON COUNCIL MEETING
Tuesday, February 24, 2004

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 24, 2004 at the New Berlin City Hall at 7:30 P.M.

This meeting was noticed on February 19, 2004 in accordance with Open Meeting law.

ROLL CALL Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Utilities and Streets Ray Grzys and Planning Services Manager David Haines.

REPORTS

City Clerk – 32.72% voter turnout for the 2-17-04 Presidential Preference Primary.

Council President - none

Mayor – Aldermanic Candidates Forum is Saturday, March 6 from 2 PM to 4 PM at City Hall.

City Attorney - none

COMMUNICATIONS

Thomas H Schlass/Refer to City Attorney

Motion by Alderman Ament to refer to City Attorney. Seconded by Alderman Wilkens and carried unanimously.

Rex Owczarzak/Refer to City Attorney

Motion by Alderman Ament to refer to City Attorney. Seconded by Alderman Chiovatero and carried unanimously.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Plan Commission

Motion by Alderman Ament to set the Public Hearing date of March 10, 2004 at 6:00 PM before Plan Commission to consider amendments to the Zoning Code (Chapter 275 of the City of New Berlin Municipal Code) and subdivision of land ordinance (Chapter 235 of the City of New Berlin Municipal Code). Seconded by Alderman Gallagher and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Ban the burning of all yard waste effective April 2004/REFERRED TO AD HOC LEAF COMMITTEE 10-28-03.

No action taken.

CONSENT AGENDA

Motion by Alderman Augustine to approve the following items on the consent agenda. Seconded by Alderman Harenda and carried unanimously.

MINUTES

Approval of the Common Council Minutes from Meeting held on February 10, 2004.

CLAIMS

Approval of Water Utility Claims in the amount of \$88,210.19; Sewer Utility claims in the amount of \$12,936.69; and Bi-weekly claims in the amount of \$393,308.30 all of which represents payment to vendors.

LICENSES

Bartender Licenses

Approval of Bartender Licenses for the year 2002-2004 to Dawn C. Doyle and Paul W. Malek.

MISCELLANEOUS

Approval of Waiver of Interest and Penalties on Delinquent Taxes for Parcel No. 1201-036.

Approval to set Public Hearing date before Council for Janesville Road Water & Sewer Extension for Tuesday, March 9, 2004 at 7:00 PM.

Award Professional Services Contract for Consulting Services related to the Reconstruction of Coldspring Road.

Motion by Alderman Bullermann to award the Professional Services Contract to Bloom Consultants for Consulting Services related to land acquisition, geotechnical investigations and support services associated with the Reconstruction of Coldspring Road for an amended total of \$197,850 (\$30,000 removed from Contingency) from Account #4-252-420 Cold Spring Road Design. Seconded by Alderman Chiovatero and carried with Alderman Harenda voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2221 "Ordinance To Amend Section 230 3-C of the City of New Berlin Municipal Code. (3rd reading)

City Clerk Gauger gave the 3rd reading.

Motion by Alderman Gallagher to adopt Ordinance No. 2221. Seconded by Alderman Ament and carried unanimously.

City Clerk Gauger read the following:

CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Wisconsin State Statutes Section 19.85(1) (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; more specifically New Berlin Professional Police Association Collective Bargaining; AFSCME Collective Bargaining and Lease Agreement & Restoration Plan for Quarry Park.

Section 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; more specifically 2004 wage structure non-represented employees.

Section 19.85 (1) (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; more specifically Scott Sievert Claim.

Motion by Alderman Ament to go to Closed Session at 7:40 PM. Seconded by Alderman Bullermann and carried per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 8:40 PM. Seconded by Alderman Wilkens and carried unanimously.

OPEN SESSION

Possible action on Ratification of the Collective Bargaining Agreement with the City of New Berlin Professional Police Association.

Motion by Alderman Harenda to ratify the Collective Bargaining Agreement with the City of New Berlin Professional Police Association effective 1-1-04 to 12-31-05. Seconded by Alderman Wilkens and carried unanimously.

Possible action on AFSCME Collective Bargaining.

Motion by Alderman Gallagher to ratify the Collective Bargaining Agreement with the City of New Berlin and AFSCME effective 1-1-04 to 12-31-05. Seconded by Alderman Ament and carried unanimously.

Possible action on Lease Agreement & Restoration Plan for Quarry Park.

Motion by Alderman Augustine to approve the Addendum To Lease Agreement for Quarry Park dated 2-24-04. Seconded by Alderman Bullermann and carried unanimously.

Possible action on approval of wage structure for non-represented employees.

No action taken.

Possible action on Scott Sievert Claim.

Motion by Alderman Chiovatero to approve payment of \$771.01 to Scott Sievert per the recommendation of City Attorney Mark Blum. Seconded by Alderman Wilkens and carried unanimously.

ADJOURN

Motion by Alderman Bullermann to adjourn at 8:45 PM. Seconded by Alderman Augustine and carried unanimously.

**Respectfully submitted as City Clerk
Marilyn Gauger, CMC**