

**COMMON COUNCIL MEETING**

**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, May 11, 2004 at the New Berlin City Hall at 7:25 P.M.

***This meeting was noticed on May 6, 2004 in accordance with Open Meeting law.***

**ROLL CALL** Mayor Wysocki, Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman and Ament. Alderman Chiovatero arrived at 7:45 p.m. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Utilities and Streets Ray Grzys, Planning Services Manager David Haines and City Engineer J.P. Walker.

**REPORTS**

City Clerk – none

**Council President/Council President’s appointments:**

- Crime Prevention Committee ..... Alderman Hopkins
- Electrical Review ..... Alderman Augustine
- Fire Department .....Alderman Harenda
- 4<sup>th</sup> of July Commission ..... Alderman Ament
- Golf Course Committee..... Alderman Hopkins
- Housing Authority ..... Alderman Augustine
- Landmarks Commission.....Alderman Hegeman
- Library Board.....Alderman Chiovatero
- Park & Rec Commission .....Alderman Gallagher
- Board of Public Works..... Aldermen Chiovatero/Ament/Augustine
- Safety Commission .....Alderman Hegeman
- School Board.....Alderman Harenda
- Technology Committee (Communications).....Aldermen Gallagher/Harenda/Hopkins
- Utility Committee ..... Aldermen Gallagher/Ament/Harenda
- Stormwater Committee .....Aldermen Harenda/Hegeman/Hopkins
- Finance Committee ..... Aldermen Chiovatero/Augustine/Ament
- Fire Department Adhoc Committee .....Aldermen Hegeman/Harenda
- City/School District Adhoc Committee ..... Aldermen Chiovatero/Harenda

**Plan Commission appointment**

Motion by Alderman Hopkins to nominate Alderman Ament. Seconded by Alderman Harenda. Being no other nominations, motion was carried unanimously. Alderman Ament accepted the position.

Mayor – This is Armed Forces Week/check for area events.

City Attorney - none

**COMMUNICATIONS**

**Request from Matthew Dietzler.**

Referred to City Attorney

**Discussion on inviting 4 County Supervisors to Council meetings every 6 months for communications between the City and County.**

Alderman Ament suggested the 4 County Supervisors representing the City be provided an open invitation to bring information to Council; primarily the City’s road projects. Consensus was that the Mayor should send the open invitation at Committee of the Whole meeting.

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**PLAN COMMISSION**

**One-year extension of PUD #2211 Farrell Meadows Planned Unit Development District**

Motion by Alderman Ament to approve the request for a one-year extension of PUD #2211 Farrell Meadows Planned Unit Development District and accept the Plan Commission report. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

**Alderman Chiovatero arrived at this time.**

**Biltmore Estates Preliminary Plat**

Motion by Alderman Ament to adopt Resolution No. 04-25 A Resolution To Approve The Biltmore Estates Preliminary Plat. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

**Jahnke & Jahnke Preliminary Seven-Lot Subdivision**

Motion by Alderman Ament to deny the Jahnke & Jahnke Preliminary Seven-Lot Subdivision and accept the Plan Commission report. Seconded by Alderman Hegeman and carried unanimously.

**Affidavit of Correction for Certified Survey Map #9653 for New Berlin City Center**

Motion by Alderman Ament to approve the Affidavit of Correction for Certified Survey Map #9653 and accept the Plan Commission report. Seconded by Alderman Chiovatero and carried unanimously.

**Two-Lot land division located at 12600 W Prospect Drive**

Motion by Alderman Ament to approve the Two-Lot land division located at 12600 W Prospect Drive subject to nine (9) conditions and accept the Plan Commission report. Seconded by Alderman Hopkins and carried unanimously.

**Rezone Wildwood Preserve**

Motion by Alderman Ament to adopt Ordinance No. 2236. Seconded by Alderman Harenda.

Motion by Alderman Harenda to defer Ordinance No. 2236 An Ordinance To Rezone Wildwood Preserve from A-2, R-1/R-2, and C-2 to A-2, R-1/R-2, R-3, and C-2. Seconded by Alderman Ament and carried unanimously.

**Twelve-month extension of PUD #2210 Crestview Place Planned Unit Development Overlay District**

Motion by Alderman Ament to approve the request for a twelve-month extension of PUD #2210 Crestview Place Planned Unit Development Overlay District and accept the Plan Commission report. Seconded by Alderman Hopkins and carried unanimously.

**UTILITY COMMITTEE**

**A Resolution Transferring Approved Funds for Well #11 Rehabilitation**

Motion by Alderman Gallagher to approve the transfer of approved Hydrant Replacement Funds from Moorland Road Account #348 to the Well Account #314 and adopt Resolution No. 04-24 "A Resolution Transferring Approved Funds for Well #11 Rehabilitation. Seconded by Alderman Harenda and carried unanimously.

**Professional Services Agreement with R.A. Smith & Associates, Consulting Engineers for Flow Monitoring data collection and analyses**

Motion by Alderman Gallagher to deny the Professional Services Agreement with R.A. Smith & Associates, Consulting Engineers for Flow Monitoring data collection and analyses to identify and quantify the Infiltration and Inflow for selected tributary areas within the sewer system using Utility rainfall data for a fee not to exceed \$61,500, funded by Wastewater Utility Account #831.04. Seconded by Alderman Ament and carried unanimously. *NOTE: Utility Committee voted 4-1 to deny.*

**MAYORAL APPOINTMENTS**

**Plan Commission**

Motion by Alderman Hopkins to approve the re-appointment of Paul Gihring in accordance with Park & Rec recommendation for the term expiring 4-30-2007. Seconded by Alderman Gallagher and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Board of Public Works**

City Street Light Agreement with WE Energies for Night Aura street lighting to include maintenance and energy charge/TABLED 4-13-04

**CONSENT AGENDA**

Motion by Alderman Augustine to approve the following items on the consent agenda. Seconded By Alderman Ament and carried with Alderman Chiovatero voting as being present.

**MINUTES**

Common Council Minutes from Meeting held on April 27, 2004

**CLAIMS**

Approval of Water Utility Claims in the amount of \$113,989.41; Sewer Utility claims in the amount of \$101,961.00, and Bi-weekly claims in the amount of \$590,987.01 all of which represents payment to vendors.

**LICENSES****Bartender Licenses**

Approval of the Bartender Licenses for the year 2003-2005 to Jill S. Dietz, David D. Johnson, Matt D. Meisberger, Gene M. Myers and Amy B. Schick.

Approval of the "Class B" Fermented Malt Beverage and Intoxicating Liquor License for the year 2003-2004 to Blue Moon Enterprises, LLC. d/b/a The Varsity Club Michael Teipner, Agent 12400 West Beloit Road subject to approval by the Inspection and Fire Departments.

**MISCELLANEOUS**

Approval of Resolution No. 04-26 Resolution Authorizing Ehlers & Associates Inc. To Solicit Bids for \$3,230,000 General Obligation Promissory Notes, Series 2004 for the City of New Berlin, Wisconsin

**ORDINANCES/RESOLUTIONS – None**

City Clerk Gauger read the following:

**CLOSED SESSION**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (g) of the Wisconsin State Statutes, 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 Jon Ludwig Claim.

Motion by Alderman Ament to go to Closed Session at 8:28 p.m. Seconded by Alderman Hegeman and carried per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 8:40 p.m. Seconded by Alderman Hegeman and carried unanimously.

**OPEN SESSION****Possible action on Jon Ludwig Claim**

Motion by Alderman Chiovatero to approve payment of \$50.00 per the terms of the existing policy. Seconded by Alderman Hegeman and carried unanimously.

**ADJOURN**

Motion by Alderman Hegeman to adjourn at 8:41 PM. Seconded by Alderman Hopkins and carried unanimously.

**Respectfully submitted as City Clerk  
Marilyn Gauger**