

**CITY OF NEW BERLIN
COMMON COUNCIL MEETING MINUTES
Tuesday, November 9, 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, November 9, 2004 at the New Berlin City Hall at 7:09 PM.

This meeting was noticed on November 5, 2004 in accordance with the Open Meeting law.

ROLL CALL – Mayor Wysocki called the meeting to order at 7:09 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present were City Attorney Blum, Acting City Clerk Marenda, Director of Utilities and Streets Ray Grzys, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones and City Engineer J. P. Walker.

Those present recited the Pledge of Allegiance and a short invocation was made.

REPORTS

City Clerk – Election Update. Jean Marenda advised there were 25,201 voters, 5,145 absentee ballots and 3,455 voters registering at the polling places on Election Day. Thanks were given to staff, pollworkers and citizens for their efforts in making the election process run as smooth as it did. Thanks were also given to the Mayor and Council for the opportunity to serve New Berlin as Acting City Clerk during Marilyn's absence.

Council President - None

Mayor – 2005 Budget Schedule. Mayor announced the public hearing on the 2005 Budget scheduled for November 16, 2004 will be an opportunity for the public to comment on the budget as proposed. Action on the budget will take place at the November 23rd Council meeting.

City Attorney- None

COMMUNICATIONS

Claim for Damages – Lynne Ziolkowski referred to the City Attorney.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Plan Commission

Ordinance No. 2249, Ordinance to Rezone 1580 S. Springdale Road FROM R-1/R-2 Rural Estate Single-Family Residential District TO R-3 Suburban Single-Family Residential District, and acceptance of Plan Commission Report. Alderman Ament moved for adoption and acceptance of Plan Commission Report. Seconded by Alderman Gallagher. Alderman Ament presented his comments and the Planning Staff recommendation that the rezoning be denied. Mayor Wysocki noted if the property is not rezoned it would remain buildable with one dwelling for the parcel. Aldermen Gallagher and Harenda agreed the proposed rezoning doesn't comply with the master plan. The motion to adopt Ordinance No. 2249 was defeated unanimously. Attorney Blum recommended an Ordinance be adopted to deny the rezoning, listing the reasons for the denial. Alderman Ament moved to adopt an Ordinance to deny the rezoning request of the Munoz property from R-1/R-2 to R-3 based on the four (4) items in the Planning Staff Report dated 11/01/04. Seconded by Alderman Harenda, motion carried unanimously.

Board of Public Works

Award of Professional Services Contract to Bloom Consultants for consultant services related to the Redesign of Calhoun Road. Alderman Chiovatero moved for approval not to exceed \$518,160. Seconded by Alderman Harenda. Exhibit A shall be amended to change "Calhoun Road Redesign from Greenfield Avenue to Victor Road" TO "Calhoun Road Redesign from Greenfield Avenue to South of Cleveland Avenue". Motion carried unanimously.

Approval of a State/Municipal Agreement with WisDOT related to the Redesign of Calhoun Road. Alderman Chiovatero moved for approval not to exceed \$135,000. Seconded by Alderman Harenda. The Agreement shall be changed to define the Limits from "Greenfield Avenue (STH59) to Ryerson Road" TO "Greenfield Avenue (STH59) to South of Cleveland Avenue". Motion carried unanimously.

Approval of an Intergovernmental Agreement with Muskego to Complete the Land Acquisition Phase and Construction Phase of the Tess Corners Creek Pond Project. Alderman Chiovatero moved for approval with cost sharing with Muskego, with the 50/50 Cost Share for each to be \$2,219,108.00. Seconded by Alderman Augustine. Mayor noted approval would be subject to approval of the agreement by the City of Muskego. J. P. Walker advised developers in the area would be required to pay their share, depending on capacity used. Motion carried unanimously.

Award of Construction Contract for the Tess Corners Creek Pond Project to C. W. Purpero, Inc. Alderman Chiovatero moved for approval in the amount of \$2,622,081.95 subject to approval by WDNR of the grant fund. Seconded by Alderman Hopkins. Mayor noted approval would be subject to approval of the Intergovernmental Agreement by the City of Muskego. Motion carried unanimously.

Stormwater Committee

Award of Professional Services Agreement for Tess Corners Creek Pond to Ruckert & Mielke. Alderman Harenda moved for approval in the amount of \$90,210.00 plus contingencies for a total of \$103,740. Seconded by Alderman Hegeman. Alderman Ament stated this is part of the 50/50 cost sharing of the Intergovernmental Agreement. Alderman Harenda asked J.P.Walker to obtain hourly rates from Ruckert & Mielke and monitor it accordingly. Motion carried unanimously.

MAYORAL APPOINTMENTS

Board of Appeals

Dennis W. Bohan, Alternate No. 2 (replacement for Greg Rath) with term expiring 4/30/2005. Alderman Ament moved for approval. Seconded by Alderman Hopkins, motion carried unanimously.

Electrical Review Board

Robert J. Kutchera (reappointment of Licensed Contractor) with term expiring 8/31/2006 and Wayne H. Wielebski (reappointment of Certified Electrical Engineer) with term expiring 8/31/2006. Alderman Augustine moved for approval. Seconded by Alderman Gallagher, motion carried unanimously.

Fourth of July Commission

Joan Campione (replacement for John Ziino) with term expiring 8/1/2008. Alderman Ament moved for approval. Seconded by Alderman Hopkins, motion carried unanimously.

Landmarks Commission

Thadd J. Llaurado (replacement for Bart Williams) with term expiring 10/1/2007. Alderman Harenda moved for approval. Seconded by Alderman Hegeman, motion carried unanimously.

Special Projects Commission

James A. Bolt (Citizen Member) with term expiring 10/12/2005. Alderman Ament moved for approval. Seconded by Alderman Gallagher, motion carried unanimously.

Mary Claire Lanser (Citizen Member) with term expiring 10/12/2005. Alderman Hopkins moved for approval. Seconded by Alderman Chiovatero, motion carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Plan Commission

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. DEFERRED 5-11-04/TABLED 5-24-04/REFERRED TO PLAN COMMISSION 9-28-04). Plan Commission to hold public hearing. Keep on Table.

Board of Public Works

Citywide Streets and Decorative Lighting Policy – TABLED 9/28/04. Keep on Table until after the public hearing on the 2005 budget.

Stormwater Committee

Award of Bid – Tess Corners Creek Retention Pond Project – TABLED 10/26/04. Action taken earlier under Public Works recommendation. Alderman Harenda moved to drop from the agenda. Seconded by Alderman Chiovatero, motion carried unanimously.

Committee of the Whole

Direct the City Attorney to draft an Ordinance removing various sections from Chapter 11 Civil Service Rules as recommended by Carlsen & Dettman Associates – TABLED 10/12/04. Keep on Table.

CONSENT AGENDA. Alderman Ament moved to approve the following items on the Consent Agenda. Seconded by Alderman Augustine, motion carried unanimously.

MINUTES

Common Council Minutes of Meeting held October 26, 2004

UTILITY AND FINANCE

Claims

Recommend to Council approval of Water Utility Claims in the amount of \$686,898.73, Sewer Utility claims in the amount of \$16,815.26, and Bi-weekly claims in the amount of \$1,096,543.12, all of which represents payment to vendors.

LICENSES

Bartender Licenses

Request for Bartender Licenses for the year 2004-2006 for David A. Lukgszewski and Anne M. Zube.

MISCELLANEOUS

Resolution #04-57 – A Resolution Amending the 2004 Approved Capital Improvement Program (CIP) Budget to Reallocate Funds from Wall Street to City Center

ADJOURN. Alderman Ament moved to adjourn at 7:52 PM. Seconded by Alderman Chiovaturo, motion carried unanimously.

Respectfully submitted,

Jean K. Marendia, CMC
Acting City Clerk