

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, November 23, 2004**

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

Mayor Telesfore P Wysocki called the City of New Berlin Common Council to order at 8:35 PM after Privilege of the Floor and Committee of the Whole.

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

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

ROLL CALL: Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, City Assessor Paul Koller, Director of Utilities and Streets Ray Grzys, Director of Finance and Administration Mike Holzinger, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, City Librarian Katie Schulz, Police Chief Gary Blunt, Police Department Office Manager Mary Ann Rozman, Fire Chief Ed Dobernig, Assistant Fire Chiefs Tom Dobernig, Andy Wahl and Joe Dallman; Fire Department Administrative Coordinator Debra Delikat; City Engineer J. P. Walker, Division Engineers Ron Schildt and Eric Nitschke.

REPORTS

City Clerk - none

Council President - none

Mayor - Citizens Committee regarding a memorial recognizing veterans and Michelle Witmer will be coordinated and a Blood Drive in honor of Jay Balchunas is scheduled for December 3rd. Contact Pat Herrmann in the Human Resources Department with questions and/or appointments or you may walk in from 7:30 AM to 12:30 PM.

City Attorney - none

COMMUNICATIONS - None

Recommendation from Committee of the Whole for 2005 Operating Budget

Motion by Alderman Ament to approve the 2005 Operating Budget for the City of New Berlin in the amount of \$29,761,972 (should be \$29,761,992) with a tax levy of \$20,168,273 and a tax rate of \$5.8677 per \$1,000 of assessed value. Seconded by Alderman Hopkins and carried unanimously.

Recommendation from Committee of the Whole for the 2005 CIP Budget

Motion was made at Committee of the Whole meeting to table. Committee of the Whole did take action to remove the local costs share amounts of 2005, 2006 and 2007 for the Greenfield Avenue – Calhoun to STH 164 project for a total of \$2,625,000.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Stormwater Committee

Construction of the Kelly Lakes Wetland Rehabilitation project

Motion by Alderman Harenda to award funding for the construction of the Kelly Lakes Wetland Rehabilitation project in the amount of \$40,000 with the source of funds from Stormwater Utility Drainage Account #70710710-59060. Seconded by Alderman Hegeman and carried unanimously.

Note: Total project cost is \$155,000. Remainder of funds coming from New Berlin Water Utility in an amount of \$5,000; DNR Grant LPT 260-05 in an amount of \$100,000 and DNR Grant LPL 857 in an amount of \$10,000.

MAYORAL APPOINTMENTS - None

DEFERRALS, REFERRAL & TABLED ITEMS

Plan Commission

Adopt 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)

No action taken.

Board of Public Works

Citywide Streets and Decorative Lighting Policy – TABLED 9/28/04

No action taken.

Intergovernmental Agreement with Muskego to Complete the Land Acquisition Phase and Construction Phase of the Tess Corners Creek Pond Project – Needs City of Muskego approval.

No action taken.

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

Adoption of Ordinance No. 2250.

Motion by Alderman Ament to remove from the table. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Ament to adopt Ordinance No. 2250. Seconded by Alderman Hopkins and carried unanimously.

++++
CONSENT AGENDA

Motion by Alderman Ament to approve the following items on the Consent Agenda. Seconded by Alderman Harenda and carried unanimously.

MINUTES

Common Council Minutes of Meeting held November 9, 2004 & November 16, 2004

UTILITY AND FINANCE

Claims

Recommend to Council approval of Water Utility Claims in the amount of \$466,621.58, Sewer Utility claims in the amount of \$11,869.07, and Bi-weekly claims in the amount of \$916,437.07 all of which represents payment to vendors.

LICENSES

Bartender Licenses

Request for Bartender License for the year 2004-2006 to Lynn J. Frank.

MISCELLANEOUS

Request to Award contract for Public Safety Communications Link Fiber Optic project.

Request for Approval of the 2005 CIP Budget.

Request for Approval of the Civil Service Non-represented Salary and Benefit policies/No action taken at Committee of the Whole meeting/Will remain on agenda

Request for Approval for contracting with Carlson & Dettmann Consulting for Phase II of Civil Service Code review and adoption of Resolution No. 04-58.

TABLED ITEMS - None

++++

The following items were removed from the Consent Agenda:

- **Request for Approval of the 2005 Operating Budget.**

Same motion as above.

- **Request for Approval of the 2005 Salary adjustments and salary ranges civil service/non-represented employees**

Motion by Alderman Ament to recommend to Council the request to approve 3% across the board salary adjustments for regular pfp participants and adjust the salary ranges by 3% in accordance with the General Administrative policy. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

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) (e) and 19.85 (1) (g) of the Wisconsin State Statutes; 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 Contract for legal services for DNR Claim, and 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; Joan McDermott Claim and Update of DNR Claim.

Motion by Alderman Ament to go to Closed Session at 8:45 PM. Seconded by Alderman Hopkins and carried per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 9:15 PM. Seconded by Alderman Hegeman and carried unanimously.

OPEN SESSION

Possible action on Teamsters Contract

This item was not taken into Closed Session.

Possible action on Contract for legal services for DNR Claim

No action taken.

Possible action on Joan McDermott Claim

Motion by Alderman Ament to approve the Joan McDermott claim in the amount of \$417.51. Seconded by Alderman Augustine and carried unanimously.

ADJOURN

Motion by Alderman Hegeman to adjourn at 9:15 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC
City Clerk