

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, December 14, 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 10:25 PM after Privilege of the Floor and Committee of the Whole.

This meeting was noticed on December 10 and amended notice on December 13, 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, Chiovatero and Ament. Alderman Hegeman was excused. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, 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, Associate Planner Olofu Agbaji, Police Chief Gary Blunt, Fire Chief Ed Dobernig, Assistant Fire Chiefs Tom Dobernig, Andy Wahl and Joe Dallman; City Engineer J. P. Walker, Transportation Division Engineer Ron Schildt and Stormwater Division Engineer Eric Nitschke.

REPORTS

City Clerk – Committee of the Whole and Common Council meetings scheduled for Tuesday, December 28, 2004 are cancelled.

Council President - none

Mayor – gave his Christmas Message which also on the City's website. Tax bill are expected to be mailed this Friday, please use the brown drop box located in the parking area of City Hall and if you need a receipt please include a self-stamped addressed envelope. All refunds over \$25.00 will be mailed in approximately 2 weeks after payment received.

City Attorney - none

COMMUNICATIONS

Correspondence from State of Wisconsin Department of Transportation concerning the Greenfield Avenue project is on file in the City Clerk's office.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Plan Commission

Ordinance No. 2251 An Ordinance to approve the rezoning of the Gerald Timmers property located at 19925 W Pinecrest Lane

Motion by Alderman Ament to adopt Ordinance No. 2251 An Ordinance to approve the rezoning of the Gerald Timmers property located at 19925 W Pinecrest Lane from R-1/R-2 & C-2 to R-3 & C-2 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Aldermen Harenda and Ament voting no.

Ordinance No. 2252 An Ordinance to approve the rezoning of the Roger's Glen property located at 5165 S Racine Avenue

Motion by Alderman Ament to adopt Ordinance No. 2252 An Ordinance to approve the rezoning of the Roger's Glen property located at 5165 S Racine Avenue from R-1/R-2, C-1 & C-2 to R-1/R-2, C-1 & C-2 to reflect the delineated environmental corridor and isolated natural resource area and the delineated wetland and accept the Plan Commissioner Report. Seconded by Alderman Gallagher and carried with Aldermen Harenda and Ament voting no.

Set a Public Hearing Date of January 10, 2005 at 6:00 PM before Plan Commission/petition to rezone property known as Midwest Services Equipment located at 17800 W National Avenue.

Motion by Alderman Ament to set a Public Hearing Date of January 10, 2005 at 6:00 PM before Plan Commission regarding the petition to rezone from B-3/C-1 to B-3 and C-2 districts for the property known as Midwest Services Equipment located at 17800 W National Avenue. Seconded by Alderman Hopkins and carried unanimously.

**Community Development Authority
Proceed with the Mill Valley Business Center**

Motion by Alderman Harenda to allow the Community Development Authority to continue to proceed with regards to the Mill Valley Business Center relative to the discussion with the City of Muskego on infrastructure cost sharing and to accept the costs themselves presented in the report by Ruekert & Mielke and negotiate with the City of Muskego the distribution of costs and accept the Community Development Authority Report. Seconded by Alderman Augustine and carried with Alderman Ament voting no.

**Parks, Recreation and Forestry Commission
New Berlin Hills Golf Course Greens Fees for 2005**

Motion by Alderman Gallagher to approve the New Berlin Hills Golf Course Greens Fees for 2005. as recommended by the Golf Course Committee. Seconded by Alderman Harenda and carried unanimously.

Board of Public Works

Public Improvements and Dedication of Public Infrastructure at Brook Hollow Court

Motion by Alderman Chiovero to accept the Public Improvements constructed in Brook Hollow Court in the High Grove Addition II Subdivision and accept the Dedication of Public Infrastructure by Thomson Corporation and authorize the release of the Surety Instrument pertaining to the installation of the public infrastructure. Seconded by Alderman Ament and carried unanimously.

Public Improvements and Dedication of Public Infrastructure at The Pines Subdivision

Motion by Alderman Chiovero to accept the Public Improvements constructed in The Pines Subdivision and accept the Dedication of Public Infrastructure by Thomson Corporation and authorize the release of the Surety Instrument pertaining to the installation of public infrastructure. Seconded by Alderman Ament and carried unanimously.

Public Improvements and Dedication of Public Infrastructure at The Crossing Subdivision

Motion by Alderman Chiovero to accept the Public Improvements constructed at The Crossings Subdivision and accept the Dedication of Public Infrastructure by Thomson Corporation and authorize the release of the Surety Instrument pertaining to the installation of the public infrastructure. Seconded by Alderman Ament and carried unanimously.

Public Improvements and Dedication of Public Infrastructure at the Jacobs Ridge Single Family Area

Motion by Alderman Chiovero to accept the Public Improvements constructed in Ridgeway Drive in the Jacobs Ridge Single Family area and accept the Dedication of Public Infrastructure by Bodner Property Management, LLC and authorize the release of the Surety Instrument pertaining to the installation of public infrastructure. Seconded by Alderman Ament and carried unanimously.

Jacobs Ridge Sanitary Life Station and Force Main and Dedication of the Public Infrastructure

Motion by Alderman Chiovero to accept the public improvements consisting of the Jacobs Ridge Sanitary Life Station and Force Main and accept the Dedication of the Public Infrastructure by Bodner Property Management, LLC. Seconded by Alderman Ament and carried unanimously.

Stormwater Committee

Professional Services Contract to R.A. Smith & Associates

Motion by Alderman Harenda to award the Professional Services Contract to R.A. Smith & Associates for consulting services related to the improving storm water drainage to the Upper Root River Tributary in the north central portion of the City in an amount of \$82,500 plus contingencies and amount not to exceed \$95,000 with source of funds from the Upper Root River Drainage Analysis Account #04251171 61708 C2003 (\$120,000). Seconded by Alderman Augustine and carried unanimously.

MAYORAL APPOINTMENTS

Communications Committee

David F Broker and Michael A Passineau – reappointments with expiration date of 12-31-05.

Motion by Alderman Ament to re-appoint David F Broker and Michael A Passineau to the Communications Committee with term expiring 12-31-05. Seconded by Alderman Harenda and carried unanimously.

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

See motion after Closed Session listed below.

Committee of the Whole

2005 CIP Budget – TABLED 11/23/04

Motion from 12-14-04 Committee of the Whole: Motion by Alderman Hopkins to approve the amended 2005 CIP Budget in the amount of \$2,983,300. Seconded by Alderman Augustine and carried unanimously.

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CONSENT AGENDA

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

MINUTES

Common Council Minutes of Meeting held November 23, 2004

UTILITY AND FINANCE

Claims

Recommend to Council approval of Water Utility Claims in the amount of \$616,715.92, Sewer Utility claims in the amount of \$6,246.98, and Bi-weekly claims in the amount of \$1,189,604.71 all of which represents payment to vendors.

Authorization to Finance Director Mike Holzinger to make payment of invoices through 12-31-04.

LICENSES

Bartender

Request for Bartender License for the year 2004-2006 to Dean A. Stewart and Jeremy M. Tholl

Rubbish Collection

Rubbish Collection Licenses for the year 2005 to Onyx Waste Services Midwest Inc and Eagle Disposal Inc.

MISCELLANEOUS

Request for Approval the Civil Service Non-represented Salary and Benefit policies/No action taken.

Discussion on the 2005 CIP Budget issues: National Avenue project – lighting; Feasibility Study for old library

Discussion and possible action to rescind the denial of the inclusion of the Greenfield Avenue project in the 2005 CIP budget.

Request for Approval of the 2005 CIP Budget

Request for Approval of Resolution No. 04-59 Request For Funding of Greenfield Avenue Reconstruction/No action taken.

Request for Approval of Resolution No. 04-61 Initial Resolution Relating to Industrial Development Revenue Bond Financing – Woodmill Products, Inc Project (*Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution*)

TABLED ITEMS - None

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The following items were removed from the Consent Agenda:

Discussion on the 2005 CIP Budget issues:

• **Alternative transportation facilities**

Motion by Alderman Ament to amend the 2005 CIP Budget for Alternative Transportation by moving back the Heide Lane to 2008 for the design; and 2009 for the land. Seconded by Alderman Hegeman and carried with Aldermen Hopkins, Augustine and Gallagher voting no.

• **Fire Department – ladder, truck and engines**

Motion by Alderman Augustine to remove from the 2005 CIP Budget the aerial ladder truck in the amount of \$675,000. Seconded by Alderman Hegeman and carried with Aldermen Hopkins and Ament voting no.

Motion by Alderman Harenda to move from the 2006 CIP Budget into the 2005 CIP Budget the Water Tanker truck in the amount of \$275,000. Seconded by Alderman Augustine and carried with Aldermen Chiovatero voting no.

Motion by Alderman Hegeman to adjust the 2005 CIP Budget to purchase 1 fire engine in 2005; 1 fire engine in 2006; and 1 fire engine in 2007. Seconded by Alderman Chiovatero. Motion failed unanimously.

• **Greenfield Avenue**

Motion by Alderman Gallagher to rescind the previous denial of inclusion of allocated funds from the 2005 CIP Budget fro the Greenfield Avenue Reconstruction Project. Seconded by Alderman Chiovatero. Motion failed with Aldermen Gallagher and Chiovatero voting yes.

Request for Approval of Resolution No. 04-60 Nomination Of Election Officials By Mayor Of The City Of New Berlin

Motion by Alderman Harenda to adopt Resolution No. 04-60. Seconded by Alderman Hegeman 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 Section 19.85(1) (e) 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; negotiations concerning Teamsters Contract and the Tess Corners Pond Project; and 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; Lynne Ziolkowski.

Motion by Alderman Augustine to go to Closed Session at 12:10 PM. Seconded by Alderman Hopkins and carried per roll call vote.

Motion by Alderman Gallagher to reconvene in Open Session at 12:40 AM. Seconded by Alderman Augustine and carried unanimously.

OPEN SESSION

Possible action on Teamsters Contract

No action taken.

Possible action on Tess Corners Intermunicipal Agreement with the City of Muskego

a. Approval of amended Intermunicipal Agreement with the City of Muskego

No action required.

b. Rescission of approval of Intermunicipal Agreement with the City of Muskego

Motion by Alderman Hopkins to rescind the approval of the Intermunicipal Agreement with the City of Muskego with regards Tess Corners Pond project. Seconded by Alderman Ament and carried unanimously.

c. Discussion and possible action to rescind the approval of the bid of CW Purpero for the Tess Corners Stormwater project

Motion by Alderman Hopkins to rescind the approval of the bid of CW Purpero for the Tess Corners Stormwater project. Seconded by Alderman Ament and carried unanimously.

Possible action on Lynn Ziolkowski Claim

Motion by Alderman Harenda to authorize the City Attorney to settle the claim in the amount of \$157.40. Seconded by Alderman Ament and carried unanimously.

ADJOURN

Motion by Alderman Hopkins to adjourn on Wednesday at 12:43 AM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC
City Clerk