

**COMMON COUNCIL MEETING**  
**Tuesday, March 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, March 9, 2004 at the New Berlin City Hall at 8:45 P.M.

***This meeting was noticed on March 5, 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, Deputy City Clerk Rachel Eisert, Director of Utilities and Streets Ray Grzys, Community Development Director Greg Kessler, Planning Services Manager David Haines, City Engineer JP Walker and Division Engineer Eric Nitschke.

**REPORTS**

City Clerk – Park & Recreation Department is offering the following: Free Concert on 3-26-04 from 7 PM to 8 PM at Hickory Grove; Easter Egg Hunt on 4-3-04 at New Berlin Public Library with doors opening at 9:00 AM; Earth Day Festival on 4-24-04 from 12 PM to 3 PM in Calhoun Park with a Rain Date of Sunday, April 25<sup>th</sup>.

Spring Election is Tuesday, April 6<sup>th</sup>. Absentee voting available in City Clerk's office after 3-16-04 from 8 AM to 4:30 PM and during extended hours on 3-30, 3-31 & 4-1 from 5 PM to 7 PM. Absentee voting no longer requires you to be absentee from the municipality; a reason for absentee voting is no longer required. You may Register To Vote in the City Clerk's office during normal business hours Monday to Friday from 8 AM to 4:30 PM and during the extended hours.

Council President- None

Mayor – Milwaukee Journal Sentinel Reporter Corissa Jansen is leaving, as reporter of New Berlin. The City of New Berlin will miss her factual reporting skills. Best wishes and Good luck.

City Attorney – None

**COMMUNICATIONS/None**

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**PLAN COMMISSION**

**Motion Fitness & Racquet Club/14999 W. Beloit Rd/Rezone from O-2 to B-2/Resolution No. 04-09**

Motion by Alderman Ament to deny Motion Fitness & Racquet Club/14999 W. Beloit Rd/Rezone from O-2 to B-2 and adopt Resolution No. 04-09. Seconded by Alderman Wilkens and carried with Alderman Wilkens voting no.

**Set a Public Hearing for April 5, 2004 at 6:02 P.M. before Plan Commission for Wildwood Preserve/5611 S. Calhoun Rd**

Motion by Alderman Ament to set a Public Hearing for April 5, 2004 at 6:02 P.M. before Plan Commission for Wildwood Preserve/5611 S. Calhoun Rd/Rezone from A-2, C-2, R-1/R-2 to A-2, C-2, R-3, R-1/R-2. Seconded by Alderman Bullermann and carried unanimously.

**Set a Public Hearing for April 5, 2004 at 6:01 P.M before Plan Commission for Andy Sommers/18665 W. Coffee Rd**

Motion by Alderman Ament to set a Public Hearing for April 5, 2004 at 6:01 P.M before Plan Commission for Andy Sommers/18665 W. Coffee Rd/Rezone from A-2 to R-1/R-2. Seconded by Alderman Harenda and carried unanimously.

## **UTILITY COMMITTEE**

### **Ordinance No. 2227 "City of New Berlin Infiltration And Inflow Mitigation Ordinance" (1<sup>st</sup> reading)**

Motion by Alderman Gallagher to adopt Ordinance No. 2227 "City of New Berlin Infiltration And Inflow Mitigation Ordinance". Seconded by Alderman Harenda. Mayor Wysocki stated this is a first reading and will be back on the agenda for the 2<sup>nd</sup> and 3<sup>rd</sup> reading.

## **STORMWATER COMMITTEE**

### **Award the Contract for the Construction of the Buena Park Subdivision Storm Drainage Improvements to Capitol Pavers, Inc.**

Motion by Alderman Bullermann to award the Contract for the construction of the Buena Park Subdivision Storm Drainage Improvements to Capitol Pavers, Inc in the amount of \$1,178,620.16 with Contingency - \$118,000.00, Legal and Administrative \$14,150.00, Contracted Services \$100,000.00 for a total project cost of \$1,410,770.16 with the source of funding from 2003 Storm Water Utility CIP Acct #4-252-580 and 2004 Storm Water Utility Acct #4-252-640. Seconded by Alderman Wilkens and carried unanimously.

## **MAYORAL APPOINTMENTS**

### **Coordinator on the Fourth of July Commission**

Motion by Alderman Ament to approve the appointment of Cheryl Schober/term ending 8-1-04. Seconded by Alderman Harenda 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.**

Motion by Alderman Wilkens to remove from the table. Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Wilkens to approve the following recommendations: To have staff collect information on burning for use on our website and on the cable channel, to have staff find pre-prepared handout information that can be available at City Hall counters, the Library and the recycling center and to recommend to Council that the Ad Hoc Leaf Burning Committee be disbanded. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Wilkens that the Mayor assigns these recommendations to staff for implementation. Also that the implementation of the recommendations is contingent on available funds in 2004. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Wilkens to send out leaf burning inserts in the City Newsletter (preferred method). Alternatively, they would be sent with the sewer/water bills. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wilkens that staff has a portable display built that would educate residents on the use of mulching mower blades. Seconded by Alderman Gallagher and carried unanimously.

Motion by Alderman Wilkens to recommend adoption of the City Attorney's suggested amendments to section 124-12(N)(2)(h) and to create section 124-12(N)(4)(e) of the Municipal Code. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Gallagher to modify the allowed burning schedule to allow burning on Wednesdays and Saturdays, from April 1 to May 15 and from October 1 to November 30. Burning hours will be noon to sunset. Seconded by Alderman Wilkens and motion failed with Alderman Augustine, Gallagher and Wilkens voting yes.

Motion by Paul Gallagher to establish a \$15 annual burning permit fee to be administered as staff sees fit. Seconded by Alderman Wilkens. (Note: during discussion it was mentioned that one of the reasons for requiring a permit is that the permit would include a copy of the burning ordinance. The assumption is that better compliance would emerge if residents read the ordinance)

*Alderman Gallagher left the meeting at 10:08 PM.*

Motion by Alderman Augustine to amend original motion to read \$ 5.00. Seconded by Alderman Harenda and carried with Alderman Bullermann and Ament voting no.

The original motion as amended carried with Aldermen Bullermann and Ament voting no.

Motion by Alderman Harenda to establish special, \$25.00, 7-day permit that would allow burning on non restricted days. Further that the permit would allow burning not currently restricted by the City of New Berlin or the WDNR. Seconded by Alderman Wilkens. After discussion Aldermen Harenda and Wilkens withdrew their motion and second.

#### **CONSENT AGENDA**

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

#### **MINUTES**

Approval of Common Council Minutes from Meeting held on February 24, 2004.

#### **CLAIMS**

Approval of Water Utility Claims in the amount of \$111,585.73; Sewer Utility claims in the amount of \$45,740.75; and Bi-weekly claims in the amount of \$990,385.97 all of which represents payment to vendors.

#### **LICENSES**

##### **Bartender Licenses**

Approval of the Bartender Licenses for the year 2002-2004 to Vicki L. Breest; Sheila A Fleischer; Michael J. Reilly and Jolene M. Turner.

#### **MISCELLANEOUS**

Approval of a \$231,300 contract to Wheeled Coach Industries for the purchase of three (3) ambulances. Adoption of Resolution No. 04-07 "A Resolution Amending and Transferring Funds From the 2003 Capital Improvement Program For The Purchase of Three Ambulances for the City of New Berlin Fire Department"

#### **Resolution No. 04-08 "A Resolution Amending CIP Accounts and Transferring Funds For The Purchase of Security Controls and Power Supply Requirements For The New Library Building"**

Motion by Alderman Wilkens to Adopt of Resolution No. 04-08 "A Resolution Amending CIP Accounts and Transferring Funds For The Purchase of Security Controls and Power Supply Requirements For The New Library Building". Seconded by Alderman Bullermann and carried unanimously.

#### **ORDINANCES/RESOLUTIONS - None**

#### **CLOSED SESSION – City Clerk Gauger read the following:**

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 the Kathy Schraufnagel Claim.

Motion by Alderman Ament to go to Closed Session at 10:15 PM. Seconded by Alderman Chiovatero and carried per roll call vote.

Motion by Alderman Chiovatero to reconvene in Open Session at 10:20 PM. Seconded by Alderman Ament and carried unanimously.

#### **OPEN SESSION**

##### **Possible action on Kathy Schraufnagel Claim.**

Motion by Alderman Wilkens to recommend denial of the Kathy Schraufnagel claim per City Attorney Mark Blum's recommendation. Seconded by Alderman Bullermann and carried unanimously.

#### **ADJOURN**

Motion by Alderman Wilkens to adjourn at 10:25 PM. Seconded by Alderman Harenda and carried

unanimously.

**Respectfully submitted as Deputy City Clerk  
Rachel Eisert**