

COMMON COUNCIL MEETING
Tuesday, March 23, 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 23, 2004 at the New Berlin City Hall at 8:40 P.M.

This meeting was noticed on March 18, 2004 in accordance with Open Meeting law.

ROLL CALL Mayor Wysocki, Aldermen Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Alderman Bullermann arrived at 11:00 p.m. 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, City Engineer JP Walker, Division Engineer Larry Wilms and Division Engineer Ron Schildt.

REPORTS

City Clerk – A Public Hearing on rate increase for the Water Utility is scheduled for Friday, March 26, 2004 at 9:00 AM in Council Chambers.

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 25th.

Spring Election is Tuesday, April 6th. Registering to Vote and Absentee Voting is available in the City Clerk's office 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 absent from the municipality; a reason for absentee voting is no longer required.

Council President - excused
Mayor - none
City Attorney - none

COMMUNICATIONS/None

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

Motion by Alderman Ament to adopt Resolution No. 04-10 "Authorize the City of New Berlin Community Development Authority To Create A Redevelopment District and to Prepare an Overall Development Project Plan for the New Valley Sand and Gravel Project area (in the future known as the Mill Valley Business Center)". Seconded by Alderman Wilkens.

Alderman Bullermann arrived at this time.

Motion carried with Alderman Ament voting no.

BOARD OF PUBLIC WORKS

Motion by Alderman Chiovatero to support the Moorland Road Interchange Loop ramp alternative with roundabouts. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Chiovatero to adopt Resolution No. 04-14 "A Resolution Prohibiting Parking on South 124th Street from 150 Feet south of Meadow Lane to Prospect Drive". Seconded by Alderman Harenda and carried unanimously.

CIVIL SERVICE COMMISSION

Motion by Alderman Ament to table. Seconded by Alderman Wilkens and carried unanimously.

UTILITY COMMITTEE

Motion by Alderman Gallagher to adopt Resolution No. 04-11 "Final Resolution In Accordance with Section 66.0703 Wisconsin Statutes Authorizing Levying Special Assessments Against Benefited

Properties in the Janesville Road Water and Sanitary Sewer Special Assessment District". Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Gallagher to award the Construction Contract for Watermain & Sanitary Sewer Construction for Janesville Road Utility Services to the lowest responsive, responsible bidder, Globe Contractors, Inc Pewaukee, WI for Alternate #1 at \$144,246.00 for Water Project #W-147 and for Alternate #3 at \$26,460.00 for Project #K-364 and to waive any irregularities, for a total project cost not to exceed \$244,810.00 funded from Utility Acct #107 and City Acct #252 and Special Assessments, conditioned upon Council adoption of Final Special Assessment Levy Resolution No. 04-11. Seconded by Alderman Harenda and carried unanimously.

STORMWATER COMMITTEE

Motion by Alderman Bullermann to adopt Resolution No. 04-13 Reallocation of DNR Grant Funding for the Calhoun Creek Streambank Stabilization Project and The Buena Park Drainage Improvement Project. Seconded by Alderman Harenda and carried unanimously.

MAYORAL APPOINTMENTS

Board of Appeals

Motion by Alderman Ament to approve the appointment of James L Klappa and Brian Loohaus to Board of Appeals with the term expiring on 4-30-2007. Seconded by Alderman Augustine and carried unanimously.

Parks & Recreation Commission

Motion by Alderman Gallagher to approve the appointment of Michael K McAdams to Parks, Recreation & Forestry Commission with the term expiring on 4-30-2007. Seconded by Alderman Bullermann and carried unanimously.

Weed Commissioner

Motion by Alderman Ament to approve the appointment of Duane Hause as Weed Commissioner with the term expiring on 4-30-2005. Seconded by Alderman Chiovatero and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS/None

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 March 9, 2004.

CLAIMS

Approval of Water Utility Claims in the amount of \$62,002.60; Sewer Utility claims in the amount of \$3,461,274.48, of that amount \$3,438,655.76 represents payments to MMSD and the remaining amount of \$22,618.72 represents payment to vendors; and Bi-weekly claims in the amount of \$761,331.76 all of which represents payment to vendors.

LICENSES

Bartender Licenses

Approval of the Bartender Licenses for the year 2002-2004 to Rebecca A Ball; Carmen L. Hacker; Pamela J Mork; Jaclyn J Szczepanek and James U Wright

MISCELLANEOUS

Approval of the 1st reading of Ordinance No. 2229 "Ordinance To Create Section 152-1(E) (3) of the Municipal Code" regarding withholding of licenses and permits due to unpaid forfeitures.

ORDINANCES/RESOLUTIONS – City Clerk Gauger gave the 2nd reading.
Ordinance No. 2227 "City of New Berlin Infiltration And Inflow Mitigation Ordinance"

Motion by Alderman Ament to adopt Resolution No. 04-12 "A Resolution Providing For The Publication Following Inspection and Adoption of Amendments To The Zoning Code and Subdivision Code of the City of New Berlin". Seconded by Alderman Bullermann and carried unanimously.

Mayor Wysocki indicated we would not go to Closed Session to discuss the 2004 wage structure non-represented employees.

CLOSED SESSION - Deputy City Clerk Eisert 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; Thomas Schlass Claim and the Rex Owczarzak Claim.

Motion by Alderman Ament to go to Closed Session at 11:35 p.m. Seconded by Alderman Wilkens and carried per roll call vote.

Motion by Alderman Chiovatero to reconvene in Open Session at 11:46 p.m. Seconded by Alderman Ament and carried unanimously.

OPEN SESSION

Possible action on Thomas Schlass Claim

Motion by Alderman Wilkens to deny the claim. Seconded by Alderman Chiovatero and carried unanimously.

Possible action on Rex Owczarzak Claim

Motion by Alderman Gallagher to deny the claim. Seconded by Alderman Wilkens and carried with Alderman Ament voting no.

ADJOURN

Motion by Alderman Ament to adjourn at 11:50 PM. Seconded by Alderman Wilkens and carried unanimously.

Respectfully submitted as City Clerk

Marilyn Gauger