

## COMMON COUNCIL MEETING

**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, April 27, 2004 at the New Berlin City Hall at 7:24 P.M.

***This meeting was noticed on April 22, 2004 in accordance with Open Meeting law.***

**ROLL CALL** Mayor Wysocki, Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Deputy City Clerk Rachel Eisert and Director of Utilities and Streets Ray Grzys.

### REPORTS

City Clerk - none

Council President - none

Mayor - none

City Attorney - none

### COMMUNICATIONS/None

### COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

#### Utility Committee

**Professional Services Agreement with R.A. Smith & Associates for Flow Monitoring data collection and analyses**

No action taken – tabled at Utility Committee.

#### **Pay off outstanding MMSD Borrowing Debt of 8.2 million**

Motion by Alderman Gallagher to pay off outstanding MMSD Borrowing Debt of 8.2 million by December 1, 2004. Source of funds: \$2,410,000 from excess revenue debt service account, \$1,175,000 December 1, 2004 principal payment, \$2,000,000 from the Infiltration & Inflow account, \$210,270 from future sewage treatment capacity account and \$2,404,730 from the equipment repair and replacement account. Seconded by Alderman Harenda and carried unanimously.

#### **Award of Construction Service Agreement for City of Milwaukee Project to Ruekert & Mielke**

Motion by Alderman Gallagher to award of Construction Service Agreement for bidding, construction, administration, inspection, post construction and record drawings, SCADA updates and overall project administration for the construction of the facilities to bring Milwaukee water to the City of New Berlin to Ruekert & Mielke in the amount of \$374,675. Source of Funds: Water Utility Acct 107. Total project amount will be part of the Water System Revenue bonds series 2004 of \$6,625,000. Seconded by Alderman Ament and carried unanimously.

#### **Resolution No. 04-23 “Declaration of Public Necessity and Relocation Order for Janesville Road Water Main and Sanitary Sewer”**

Motion by Alderman Gallagher to adopt Resolution No. 04-23 conditioned upon Plan Commission approval. Seconded by Alderman Ament and carried unanimously

#### **Land acquisition of a permanent easement for Milwaukee Water Transmission Project**

No action taken.

### MAYORAL APPOINTMENTS

#### **Safety Commission**

Motion by Alderman Ament to appoint Paul J Rozek to the Safety Commission with a term expiring 4-30-06. Seconded by Alderman Hopkins and carried unanimously.

### DEFERRALS, REFERRAL & TABLED ITEMS

#### **Board of Public Works**

**City Street Light Agreement with WE Energies for Night Aura street lighting to include maintenance and energy charge/TABLED 4-13-04**

No action taken.

## **CONSENT AGENDA**

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

## **MINUTES**

Approval of Common Council Minutes from Meeting held on April 20, 2004.

## **CLAIMS**

Approval of Water Utility Claims in the amount of \$121,038.52; Sewer Utility claims in the amount of \$22,753.10, and Bi-weekly claims in the amount of \$772,918.19 all of which represents payment to vendors

## **LICENSES**

### **Bartender License**

Approval of the Bartender License for the year 2002-2004 to Michael F. Patterson.

## **MISCELLANEOUS**

Approval of waiving of Interest and Penalties on Delinquent Taxes for Parcel #1222-021 at 3210 S Ann Louise Drive in the amount of \$137.23.

Approval of waiving of Interest and Penalties on Delinquent Taxes for Parcel #1257-984-001 at 16000 W Beloit Road in the amount of \$94.23.

## **MINUTES**

Motion by Alderman Ament to approve the April 13, 2004 minutes. Seconded by Alderman Harenda and carried with Aldermen Hopkins and Hegeman being present/abstain.

## **ORDINANCES/RESOLUTIONS**

Deputy City Clerk Eisert gave the 3<sup>rd</sup> reading:

### **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" (3rd reading)**

Motion by Alderman Gallagher to adopt Ordinance No. 2229. Seconded by Alderman Ament and carried unanimously.

Deputy City Clerk Eisert read the following:

### **CLOSED SESSION**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (c) of the Wisconsin Statutes, considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; more specifically 2004 salary ranges and matrix for civil service/non-represented employees and Section 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; City Attorney Litigation Report

### **RECONSIDERATION:**

Motion by Alderman Chiovatero to reconsider the April 13, 2004 motion: "to adjust the 2003 salary ranges for the pay for performance program at 3% in accordance with the General Administrative; to adopt the proposed amended matrix as presented and to calculate the performance percentage of midpoints from the 2003 salary ranges all to be effective January 1, 2004." Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Augustine to go to Closed Session at 7:35 p.m. Seconded by Alderman Hopkins and carried per roll call vote.

### **OPEN SESSION**

**Reconsideration of a motion made 4-13-04: "to adjust the 2003 salary ranges for the pay for performance program at 3% in accordance with the General Administrative; to adopt the proposed amended matrix as presented and to calculate the performance percentage of midpoints from the 2003 salary ranges all to be effective January 1, 2004."**

The above motion made 4-13-04 was on the table for consideration. Upon voting, the motion carried with Aldermen Gallagher and Chiovatero voting no.

**ADJOURN**

Motion by Alderman Hegeman to adjourn at 8:49 PM. Seconded by Alderman Ament and carried unanimously.

**Respectfully submitted as City Clerk  
Marilyn Gauger**