

PROCEEDINGS OF COMMON COUNCIL MEETING
Tuesday, December 9, 2003

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, December 9, 2003, at the New Berlin City Hall at 7:50 P.M.

This meeting was noticed on December 4, 2003 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, Director of Utilities & Streets Ray Grzys, City Engineer JP Walker, Planning Services Manager David Haines, Associate Planner Nikki Jones, Division Engineer Larry Wilms, Department of Community Development Director Greg Kessler and Director of Parks, Recreation & Forestry Mark Schroeder.

REPORTS

City Clerk – provided information on the payment of 2003 taxes.
Council President – wished everyone a Happy and Safe Holiday Season
Mayor – also wished everyone a Happy and Safe Holiday Season
City Attorney - none

COMMUNICATIONS/None

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

Set a Public Hearing Date

Motion by Alderman Ament to set a Public Hearing date before Plan Commission for Monday, January 5, 2004 at 6:00 PM for rezoning of property located at 3130 S Sunny Slope Road and accept the Plan Commission report. Seconded by Alderman Augustine and carried unanimously.

Set a Public Hearing Date

Motion by Alderman Ament to set a Public Hearing date before Plan Commission for Monday, January 5, 2004 at 6:01 PM for rezoning of property located at 14444 W College Avenue and accept the Plan Commission report. Seconded by Alderman Harenda and carried unanimously.

Two-lot Land Division

Motion by Alderman Ament to approve the Two-Lot Land Division located at 15295 Main Street/City Center and accepts the Plan Commission report. Seconded by Alderman Wilkens and carried unanimously.

Waive the City's "Right of First Refusal"

Motion by Alderman Ament to waive the City's "Right of First Refusal" for property located at 17000 W Rogers Drive. Seconded by Alderman Bullermann and carried unanimously.

Resolution No. 03-47 "Approve The Declaration Of Restrictions For The New Berlin City Center Owner's Association, Inc"

Motion by Alderman Wilkens to adopt Resolution No. 03-47. Seconded by Alderman Bullermann and carried unanimously.

PARKS, RECREATION & FORESTRY COMMISSION

Golf Course Green Fees for 2004

Motion by Alderman Gallagher to approve the Golf Course Green Fees for 2004. Seconded by Alderman Wilkens and carried with Alderman Gallagher voting no.

UTILITY COMMITTEE

Include a Utility Building addition for design and construction by Amending the 2004 Water and Sewer 2004 Capital Budget

Motion by Alderman Gallagher to amend the Water and Sewer 2004 CIP Budget to include Utility Building Addition for Design and Construction, funds from Water RCA and Sewer RCA for \$35,000 for the Design and Water RCA and Sewer RCA for \$182,500 for Construction. Seconded by Alderman Wilkens and carried with Aldermen Augustine, Gallagher and Harenda voting no. *(Reconsidered and tabled later in meeting)*

Award a Professional Services Contract for the design and bidding service for the Forest View Subdivision Water Main replacement project

Motion by Alderman Gallagher to award a Professional Services Contract for the Design and Bidding Service for the Forest View Subdivision Water Main replacement project in an amount not to exceed \$54,949 from Water 2004 CIP Budget from Water Acct #343. Seconded by Alderman Ament and carried unanimously.

Creation of Utility Easements

Motion by Alderman Gallagher to approve the creation of Utility Easements in advance of the following dedicated roadways being vacated on 170th St., 168th St., 166th St., Parkview Ave., & two locations on Cleveland Ave with the source of funds from Water Acct #928.16 (Regulatory Commission Expense) and Sanitary Acct #852.48 (Outside Services – other). Seconded by Alderman Harenda and carried unanimously.

STORMWATER COMMITTEE

Award of Construction Contract for Malone Park Underground Stormwater Detention

Motion by Alderman Bullermann to approve the Malone Park Underground Stormwater Detention Award of Construction Contract to the lowest responsive; responsible bidder, Mainline Sewer and Water in the amount of \$374,594.50 with the source of funds coming from Stormwater 2000 CIP Budget in the amount of \$228,722 and Stormwater 2001 CIP Budget in the amount of \$300,000 Seconded by Alderman Wilkens and carried with Alderman Gallagher voting no.

Purchase of Storm Sewer Pipe for Inez Drive Stormwater Project

This item was removed from the Stormwater Committee agenda therefore no action taken.

AD HOC FINANCE COMMITTEE

Standing Committee known as “Finance, Claims & Judiciary Committee”

Motion by Alderman Wilkens to defer. Seconded by Alderman Augustine and carried unanimously.

UTILITY COMMITTEE

Motion by Alderman Bullermann to re-consider the vote taken on the following Utility Committee item: **Include a Utility Building addition for design and construction by Amending the 2004 Water and Sewer 2004 Capital Budget.** Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to table this item. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS

Communications Committee

Motion by Alderman Ament to appoint David F. Broker to the Communications Committee with an expiration date of 12-31-04. Seconded by Alderman Wilkens and carried unanimously.

Communications Committee

Motion by Alderman Ament to appoint Michael A. Passineau to the Communications Committee with an expiration date of 12-31-04. Seconded by Alderman Augustine and carried unanimously.

Fourth of July Commission

Motion by Alderman Ament to appoint Christine Sobczak to the Fourth of July Commission with an expiration date of 8-01-07. 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

No action taken.

Resolution No. 03-44 "Declaration of Public Necessity and Relocation Order For Janesville Road Sanitary Sewer"

Alderman Ament indicated Plan Commission recommends adopting this Resolution.

Motion by Alderman Gallagher to adopt Resolution No. 03-44 "Declaration of Public Necessity and Relocation Order For Janesville Road Sanitary Sewer in the City of New Berlin, Waukesha County, Wisconsin". Seconded by Alderman Harenda and carried unanimously.

Professional Services Contract - Construction survey on Moorland Road and Janesville Road Project

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

Motion by Alderman Gallagher to award the Professional Services Contract to McSorely & McSorely Real Estate Services, Inc of Waukesha WI for appraisal services for a fee not to exceed \$18,000 from Acct # 923.42 for the construction survey on Moorland Road and Janesville Road Project. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

Professional Services Contract for Location - Topographic survey for Sewer and Water Main Extension on Janesville Road Project

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

Motion by Alderman Ament to award the Professional Services Contract for Location-Topographic surveys along Janesville Road for Sewer and Water Main Extensions to Bloom Consultants, LLC for a fee not to exceed \$4,425 with the source of funds to be included with the total project costs for special assessments to benefiting properties within the project. Seconded by Alderman Wilkens and carried unanimously.

Ordinance No. 2219 to rezone Poplar Creek Development 3095 –3111 S Calhoun Road

Motion by Alderman Ament to adopt Ordinance No. 2219 to rezone Poplar Creek Development 3095 – 3111 S Calhoun Road from A-1, A-2, O-2, C-2 to R-1/R-2, O-2, C-2 and accept the Plan Commission report. Seconded by Alderman Gallagher and carried with Aldermen Harenda and Ament voting no.

CONSENT AGENDA

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

MINUTES

Approval of Common Council Minutes from Meeting held on November 25, 2003.

CLAIMS

Approval of the Water Utility Claims in the amount of \$100,791.08; Sewer Utility Claims in the amount of \$38,765.20; and Bi-weekly Claim in the amount of \$362,184.88

LICENSES

Approval of Bartender Licenses for the year 2002-2004 to Jennifer A Christianson, Tammy K. Kappes, Tricia M. Riste and Sara L. Withers.

Approval of the Rubbish Collection Licenses for the year 2004 to Onyx Waste Services Midwest Inc. and Waste Management

MISCELLANEOUS

Approval of the Joint Powers Agreement with Waukesha County for 911 Emergency System
Approval of Award of Contract for purchase of Municipal Business Software System to Munis Inc.

Adoption of Resolution No. 03-48 "Resolution Authorizing Ehlers & Associates, Inc. to solicit bids for \$6,635,000 Water Revenue Bond for 2004 Water Utility capital projects"

Adoption of Resolution No. 03-49 "Resolution Authorizing the Issuance and Sale of \$2,240,000 General Obligation Promissory Notes, Series 2003B"

TABLED ITEMS

Approval to apply for State Trust Fund Loan for the unfunded liability from WRS and adoption of Resolution No. 03-50

Set Next Meeting Date

Mayor Wysocki indicated this is the last Committee of the Whole and Common Council Meetings for 2003. No action taken.

ORDINANCES/RESOLUTIONS

City Clerk Gauger gave the 2nd reading.

Ordinance No. 2218 "Ordinance To Repeal Chapter 210 of the Municipal Code of the City of New Berlin" relating to Recreation and Utility Equipment Storage

Motion by Alderman Wilkens to adopt Resolution No. 03-51 "Resolution Accepting The Dedication of Coffee Street and Wilbur Drive as Public Roads". Seconded by Chiovatero and carried with Alderman Ament voting no.

City Clerk Gauger gave the 1st reading.

Ordinance No. 2220 Amendment to Portions of Chapter 141 of the Municipal Code of the City of New Berlin Concerning the Designation and Registration of Landmarks.

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 Collective Bargaining 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 Litigation Report from City Attorney.

Motion by Alderman Ament to go to Closed Session at 11:05 PM. Seconded by Alderman Augustine and carried unanimously per roll call vote.

OPEN SESSION

Motion by Alderman Wilkens to go to Open Session at 11:25 PM. Seconded by Alderman Chiovatero and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 11:26 PM. Seconded by Alderman Bullermann and carried unanimously.

**Respectfully submitted as City Clerk
Marilyn Gauger, CMC**