

COMMON COUNCIL MEETING

Tuesday, November 18, 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, November 18, 2003, at the New Berlin City Hall at 8:30 P.M.

This meeting was noticed on November 13, 2003 in accordance with Open Meeting law.

Present: 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, Director of Community Development Greg Kessler, City Engineer JP Walker, City Assessor Paul Koller, Police Chief Gary Blunt, Municipal Court Coordinator Mary Ann Rozman, Fire Chief Edward Dobernig, IT Manager Sue Schaefer, Director of Finance and Administration Mike Holzinger, Director of Human Resources Tami Potkay, HR/Safety Coordinator Pat Herrmann, Director of Parks, Recreation & Forestry Mark Schroeder, Library Director Katie Schulz and Building Maintenance Manager Bob Schulpus.

REPORTS

City Clerk - none
Council President - none
Mayor – gave report
City Attorney - none

COMMUNICATION

Claim from Jim and Kay Schinker – refer to City Attorney.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

BOARD OF PUBLIC WORKS

Motion by Alderman Chiovatero to authorize the Department of Community Development to:

- Apply for a LRIP (Local Road Improvement Program) grant from WisDOT for the next funding cycle (2004-2005) for Sunny Slope Road from Beloit Road to Grange Avenue.
- If the LRIP grant is awarded to this project, authorize acceptance of the grant.
- Enter a State-Municipal Agreement for the project with construction estimated at \$250,000 and if grant awarded, WisDot would reimburse at 50% and the remaining costs coming from the 2004 & 2005 Operating Budget Account # 511-820.01 (Roadway Maintenance). Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Chiovatero to authorize the Department of Community Development to:

- Apply for a LRIP-D (Local Road Improvement Program - Discretionary) grant from WisDOT for the next funding cycle (2004-2005) for Cold Spring Road from Sunny Slope Road to 124th Street.
- If the LRIP grant is awarded to this project, authorize acceptance of the grant.
- Enter a State-Municipal Agreement for the project with construction estimated at \$1,840,000 and if grant awarded with actual grant amounts not known could reimburse the City approximately \$350,000 and the remaining costs coming from the 2004 CIP Budget Account # 4-252-565 (Coldspring/Sunny Slope to 124th Street). Seconded by Alderman Wilkens and carried unanimously.

UTILITY COMMITTEE

Motion by Alderman Gallagher to approve a Professional Services Agreement with R. A. Smith & Associates for Sanitary Sewer Basins NB1, NB3, NB4, NB 5 and NB6 Inflow and Infiltration (I & I) Reduction Quantification Analysis for a total of \$48,800 funded by Account # 831-04 and striking out paragraph 2 of Section 4 under "Professional Fees: The above not-to-exceed fee assumes that approval by MMSD can be obtained in 2 submittals. If more analysis and submittals are required by MMSD, the additional work will be invoiced on a time-and-material basis." Seconded by Alderman Wilkens and carried with Alderman Ament voting no.

Motion by Alderman Gallagher to approve the Intermunicipal Agreement with Town of Brookfield Sanitary District #4 for water and sewer service for 1400 & 1405 Copenhill Drive, contingent upon said property owners consenting to pay all charges related to the connection and future maintenance. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Gallagher to approve the Town of Brookfield's Sanitary District # 4 offer of \$213,134 to purchase the remaining 43,320 gallons of sewer capacity from City of New Berlin. Seconded by Alderman Ament and carried unanimously.

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.

Motion by Alderman Gallagher to table action on Resolution No. 03-44 and refer back to Plan Commission for consideration. Seconded by Alderman Harenda 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 Account # 923-42 for the construction survey on the Janesville Road Project. Seconded by Alderman Harenda.

Motion by Alderman Gallagher to table as it relates to Plan Commission action on Resolution No. 03-44 a Relocation Order for Janesville Road. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Gallagher to table action to award the Professional Services Contract for Location-Topographic surveys along Janesville Road for sanitary 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 because it relates to Plan Commission action on Resolution No. 03-44 a Relocation Order for Janesville Road. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Gallagher to approve the request by staff to make application to Public Service Commission for a rate increase for 2004 in the amount of 6% Rate of Return. Seconded by Alderman Ament.

Motion by Alderman Wilkens to defer action on making application to the Public Service Commission to the next meeting. Seconded by Alderman Bullermann and carried with Alderman Ament voting no.

MAYORAL APPOINTMENTS

Motion by Alderman Ament to approve the appointment of Richard J Boya and Jack W Dahlke to the Electrical Review Board with an expiration date of 8-31-2005. Seconded by Alderman Harenda and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Ban the burning of all yard waste effective April 2004/REFERRED TO COMMITTEE
10-28-03
No action taken.

CONSENT AGENDA

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

MINUTES

Common Council Minutes from Meeting held on October 28, 2003.

CLAIMS

Approval of Water Utility Claims in the amount of \$245,382.62; Sewer Utility Claims in the amount of \$301,450.13; and Bi-weekly Claims in the amount of \$900,729.39.

LICENSES

Approval of the Bartender License for the year 2002-2004 to Dawn Lee Ziolkowski.

Approval of the Transfer of License for sale of Fermented Malt Beverages from one premise to another for the year 2003-2004 for Kwik Trip Inc. d/b/a Tobacco Outlet Plus, from 3628 S. Moorland Rd, to 3620 S. Moorland Rd.

MISCELLANEOUS

Table action to authorize the Mayor and staff to apply for State Trust Fund Loan for the unfunded liability from WRS.

Approval of an Amendment to 2004 Planning Division Operating Budget and approval of acceptance of two (2) Community Service Block grants from Waukesha County in the amount of \$21,039.

Table action on the 2004 Operating & CIP Budget.

Motion by Alderman Gallagher to recommend to Council adoption of Resolution No.03-46 "Resolution Authorizing Ehlers & Associates, Inc To Solicit Bids For \$2,240,000 General Obligation Promissory Notes, Series 2003B of the City of New Berlin, Wisconsin" with a sale day of December 9, 2003. Seconded by Alderman Augustine and carried with Alderman Ament voting no.

ORDINANCES/RESOLUTIONS

Motion by Alderman Bullermann to adopt Resolution No. 03-45 "Resolution by the Common Council of the City of New Berlin – Presentation To Dianne Carr for her Heroic Action". Seconded by Alderman Ament and carried unanimously.

City Clerk Gauger read the following:

CLOSED SESSION

The basis for the item to be discussed in Closed Session is as enumerated in Section 19.85(1)(g) of the Wisconsin State Statutes.

- (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 Henry Hummel Claim.

Motion by Alderman Harenda to go to Closed Session at 9:20 p.m. Seconded by Alderman Chiovatero and carried per roll call vote.

Motion by Alderman Ament to go to Open Session at 9:26 p.m. Seconded by Alderman Chiovatero and carried unanimously.

OPEN SESSION

Possible action on the Henry Hummel Claim.

Motion by Alderman Bullermann to direct and authorize the City Attorney to settle this claim for an amount not to exceed \$330.00. Seconded by Alderman Wilkens and carried unanimously.

ADJOURN

Motion by Alderman Chiovatero to adjourn at 9:30 p.m. Seconded by Alderman Wilkens and carried unanimously.

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