

## PROCEEDINGS OF THE 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, October 14, 2003 at the New Berlin City Hall at 10:30 PM.

**ROLL CALL:** Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Deputy City Clerk Rachel Eisert, City Assessor Paul Koller, Director of Community Development Greg Kessler, Director of Streets and Utilities Ray Grzys, IT Director Sue Schaefer, Accounting Manager Ralph Chipman and Planning Services Manager David Haines.

### REPORTS

City Clerk - none

Council President - none

Mayor – The 1<sup>st</sup> Common Council meeting for November will be November 4<sup>th</sup> instead of November 11<sup>th</sup> due to the Veterans Day presentation at 7:00 p.m.

City Attorney - none

Mayor Wysocki deviated from the agenda to consider the 2 following items:

### REFERRALS, DEFERRALS & TABLED ITEMS

Motion by Alderman Gallagher to authorize City Attorney Blum to generate a Request For Proposals to hire an outside consultant conversant with Civil Service ordinances and Human Resource policies. Seconded by Alderman Augustine and carried unanimously.

### COMMUNICATIONS COMMITTEE

Alderman Bullermann presented an update report for the Municipal Business Software system selection process.

### COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

#### PLAN COMMISSION

##### **Two-Lot Land Division located at 18790 W. Cleveland Avenue for Kelvin Sandel**

Motion by Alderman Ament to approve the Two-Lot Land Division located at 18790 W. Cleveland Avenue for Kelvin Sandel and to accept the Plan Commission Report. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

##### **Ordinance No. 2217 for a 12 month extension to 12-11-04 for the Moorland Road Planned Unit Development Ordinance No. 2165 that expires on 12-11-2003 for 2762-2900 S. Moorland Road**

Motion by Alderman Ament to adopt Ordinance No. 2217 for a 12 month extension to 12-11-04 for the Moorland Road Planned Unit Development Ordinance No. 2165 that expires on 12-11-2003 for 2762-2900 S. Moorland Road and accept the Plan Commission Report. Seconded by Alderman Augustine and carried unanimously.

##### **Ordinance No. 2215 to rezone the property located at 13150 W. Janesville Road from R-3, B-3, C-1 and C-2 to R-3/PUD, R-3, C-2, and I-1/PUD requested by MLG Development (The Conservancy)**

Motion by Alderman Ament to adopt Ordinance No. 2215 to rezone the property located at 13150 W. Janesville Road from R-3, B-3, C-1 and C-2 to R-3/PUD, R-3, C-2, and I-1/PUD requested by MLG Development (The Conservancy) and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

##### **One-Lot Land Division located at 15155 W. National Avenue for New Berlin City Center**

Motion by Alderman Ament to approve the One-Lot Land Division located at 15155 W. National Avenue for New Berlin City Center and accept the Plan Commission Report. Seconded by Alderman Wilkens and carried unanimously.

**Two-Lot Land Division located at 2879 Acredale Road for Richard Casper (Moorland Road Investments LLC)**

Motion by Alderman Ament to approve the Two-Lot Land Division located at 2879 Acredale Road for Richard Casper (Moorland Road Investments LLC) and accept the Plan Commission Report. Seconded by Alderman Bullermann and carried unanimously.

**Set a public hearing with Plan Commission relative to the petition to rezone the property located at 5150 S. Sunny Slope Road from I-1 to R-4.**

Motion by Alderman Ament to set a public hearing for Monday, November 3, 2003 at 6:00 p.m. with Plan Commission relative to the petition to rezone the property located at 5150 S. Sunny Slope Road from I-1 to R-4. Seconded by Alderman Wilkens and carried unanimously.

**UTILITY COMMITTEE**

**2004 Water Operating Budget and Amended CIP Budget**

Motion by Alderman Gallagher to approve the 2004 Water Utility Operating Budget with revenues of \$3,749,440 and expenses of \$3,621,868, and the Amended CIP Budget for \$7,786,198. Seconded by Alderman Harenda and carried unanimously.

**2004 Wastewater Operating Budget**

Motion by Alderman Gallagher to approve the 2004 Wastewater Operating Budget with revenues of \$8,723,500 and expenses of \$8,399,821. Seconded by Alderman Harenda and carried unanimously.

**Amended 2004 Wastewater Capital Budget**

Motion by Alderman Gallagher to approve the Amended 2004 Wastewater Capital Budget for \$1,155,152. Seconded by Alderman Harenda and carried unanimously.

**CONSENT AGENDA**

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

**MINUTES**

Approval of Common Council Minutes from Meeting held on September 23, 2003

**UTILITY AND FINANCE**

**Claims**

Approval of payment of Water Utility Claims in the amount of \$190,991.28; Sewer Utility Claims in the amount of \$62,689.81 and Bi-weekly Claims in the amount of \$497,332.21.

**LICENSES**

**Bartender Licenses**

Approval for Year 2002-2004 to Anthony C. Laiacona and Lynn A. Wilding.

**Amendment to "Class B" Retailers License**

Approval of the amendment to the "Class B" Retailers License to include a "fenced in tent outside back of building" for Mustang Shelly's, 18540 W. National Avenue on Sunday, November 9, 2003 from 11:00 AM to 10:00 PM.

**MISCELLANEOUS**

Adoption of Ordinance No. 2216/ Amendment to the City of New Berlin Municipal Code Chapter 267-9 C (3) (a) requirement of 2 consecutive safe water samples to 1 safe water sample.

Approval of \$80,000 from Surplus to Paid On Call

Approval of \$165,000 to Paid On Call and Tax Levy

Approval to set the 2004 Budget Public Hearing Date for Tuesday, November 18, 2003 at 7:00 p.m.

**Award the Phase II National Avenue Side Path Landscaping contract to Johnson's Nursery Inc in the amount of \$18,618.65 from budgeted Account No. 252-320 and DNR Grant funds.**

Motion by Alderman Gallagher to award the Phase II National Avenue Side Path Landscaping contract to Johnson's Nursery Inc in the amount of \$18,618.65 from budgeted Account No. 252-320 and DNR Grant funds. Seconded by Alderman Wilkens and carried with Alderman Ament voting no.

**Amend the City Treasurer's Fee Schedule to increase the current Dog and Cat License Fees per the adopted Waukesha County Ordinance 158-55.**

Motion by Alderman Bullermann to amend the City Treasurer's Fee Schedule to increase the current Dog and Cat License Fees by \$2.00 each per the adopted Waukesha County Ordinance 158-55. Seconded by Alderman Wilkens and carried with Aldermen Gallagher and Harenda voting no.

**2004 Operating and CIP Budgets**

Motion by Alderman Wilkens to forward for Public Hearing the proposed adoption of revenues of \$29,289,894 including a general tax levy of \$19,773,532, with a tax rate of \$5.7812 and a 0% increase for the 2004 Operating and CIP Budgets. Seconded by Alderman Bullermann and carried with Aldermen Chiovaturo and Ament voting no.

**ORDINANCES AND RESOLUTION**

Motion by Alderman Wilkens to adopt Resolution No. 03-41 "A Resolution Adopting A Joint Powers Agreement For The 911 Emergency System" with the City of Muskego. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to go to Closed Session at 11:13 p.m. Seconded by Alderman Wilkens and carried per roll call vote.

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)(e) of the Wisconsin State Statutes.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically the Issuance of the Jurisdictional Offer for the Tesch property.

Motion by Alderman Augustine to go to Open Session at 11:30 p.m. Seconded by Alderman Ament and carried unanimously.

**OPEN SESSION**

**Possible Action on the Issuance of the Jurisdictional Offer for the Tesch property.**

Motion by Alderman Wilkens to authorize City Attorney Blum to make a jurisdictional offer of \$56,000 for the Tesch property. Seconded by Gallagher and carried with Alderman Ament voting no.

**ADJOURN**

Motion by Alderman Wilkens to adjourn at 11:35 p.m. Seconded by Alderman Ament and carried unanimously.

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