

**PROCEEDINGS OF THE COMMON COUNCIL MEETING
TUESDAY, JUNE 10, 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, June 10, 2003 at the New Berlin City Hall at 8:15 PM.

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 Community Development Gregory Kessler; Planning Manager David Haines; City Engineer JP Walker; Director of Utilities & Streets Ray Grzys and Police Chief Gary Blunt.

This meeting was noticed on June 5, 2003 in accordance with Open Meeting law.

REPORTS

Clerk – none

Council President - none

Mayor -

City of Milwaukee Utility Committee requested a reconsideration of action by City of Milwaukee Council for the water agreement with the City of New Berlin.

Reminded Council normally holds only one meeting for the months of July & August.

City Attorney - none

COMMUNICATIONS

Notice of Appeal; Bond with Sureties and Complaint – New Berlin Self Storage Ltd.

Refer to City Attorney.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

Wireless Telecommunication Facilities – Revise Telecommunication Regulations

Motion by Alderman Ament to repeal and recreate the Wireless Telecommunication Facilities Ordinance No. 275-41C(16) as attached in the draft dated 5-21-03. Seconded by Alderman Harenda and carried with Alderman Gallagher voting no.

Crestview Place – 16850 & 16860 W. Observatory Road – Rezone Property from O-1 to Rd-1/PUD, B-2, and P-1

Motion by Alderman Ament to table. Seconded by Alderman Bullermann and carried with Alderman Gallagher voting no.

City of New Berlin – 3975 S. 124th Street – Rezone from R-4.5 to C-2 and C-3

Motion by Alderman Ament to adopt the ordinance for rezoning Outlot 2 of Waterbury Estates. Seconded by Alderman Chiovatero and carried unanimously.

Hickory Hills – 14602 W. Beloit Road – Rezone from I-1, R-4, C-1, C-2 to Rm-1/PUD, C-2

Motion by Alderman Ament to adopt the ordinance for rezoning the Planned Unit Development (PUD) for Hickory Hills. Seconded by Alderman Harenda.

Amended motion by Alderman Harenda to amend the PUD document regarding (6) Density (line 135, page 4) from 28 fourplexes to 26 fourplexes for a maximum of 104 units instead of 112 units. Seconded by Alderman Bullermann and carried unanimously.

Amended motion by Alderman Gallagher to amend the PUD document by adding to line 233, page 6 the following: “(c) Lot Coverage – not to exceed 30%.” Seconded by Alderman Bullermann and carried unanimously.

Original motion as amended carried with Aldermen Bullermann and Harenda voting no.

Stipulation and Order Between Bodus and City of New Berlin

Motion by Alderman Ament to ratify the Stipulation and Order entered into by the City Attorney and Mr. Bodus dated 10-2-1995. Seconded by Alderman Harenda and carried unanimously.

Alderman Bullermann left Council Chambers.

BOARD OF PUBLIC WORKS

Resurfacing of Lincoln Avenue – Award of Contract

Motion by Alderman Chiovatero to approve the award of the Construction Contract for the 2003 Asphalt Resurfacing of Lincoln Avenue to the lowest responsive, responsible bidder, Payne & Dolan Inc in the amount of \$167,974.00 for Project No. R-01-03 funded by Account #511.820.01 2003 Roadway Maintenance. Seconded by Alderman Harenda and carried with Alderman Bullermann being absent.

City Center Developer Agreement

Motion by Alderman Chiovatero to approve the Development Agreement with New Berlin Commercial Center, LLC. Seconded by Alderman Gallagher and carried with Alderman Bullermann being absent.

Alderman Bullermann returned to the meeting.

Flex Seal Slurry – Award of Contract

Motion by Alderman Chiovatero to approve the award of the Construction Contract for the Application of Flex-Seal Slurry over slurry that was placed on the streets of the Weatherstone and Weatherwood Subdivisions in 2000 as part of the 2003 Roadway Maintenance Program to Munson, Inc in an amount not to exceed \$85,100.00 for Project No. R-03-03 funded by Account #511.820.01 2003 Roadway Maintenance. Seconded by Alderman Bullermann and carried unanimously.

Placing GlasGrid – Award of Contract

Motion by Alderman Chiovatero to approve the award of the Construction Contract for the Placement of GlasGrid as part of the 2003 Resurfacing Project on Lincoln Avenue to Geosynthetics, Inc in an amount not to exceed \$146,592.14 for Project No. R-02-03 funded by Account #511.820.01 2003 Roadway Maintenance. Seconded by Alderman Ament and carried unanimously.

STORM WATER COMMITTEE/No Report

UTILITY COMMITTEE

Authorize Purchase of 3 Utility Department Trucks

Motion by Alderman Gallagher to authorize the purchase of 3 Utility trucks from funds remaining in the Water Utility Capitol Account #392 and Sewer Capitol Account #398 in a total amount not to exceed \$99,869. Seconded by Alderman Wilkens and carried with Alderman Bullermann voting no.

Authorize Intermunicipal Agreement with Town of Brookfield Sanitary District #4

Motion by Alderman Gallagher to authorize the City Attorney to work with City staff to draw up an Intermunicipal Agreement between the City of New Berlin and the Town of Brookfield Sanitary District #4 to hook up to Water and Sewer for properties at 1400 and 1405 Copenhill Drive. Seconded by Alderman Harenda and carried unanimously.

LANDMARKS COMMISSION/No Report

SAFETY COMMISSION/No Report

MAYORAL APPOINTMENTS

Library Board

Motion by Alderman Bullermann to approve the re-appointments of Dianne M Carr, Nancy E Greenwood and Deborah A Stelzner to the Library Board with a term expiration date of 6-30-06. Seconded by Alderman Ament and carried unanimously.

Youth Advisory Board

Motion by Alderman Ament to approve the appointment of Daniel M Burkhardt to the Youth Advisory Board with a term expiration date of 5-31-05. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Chiovero to approve the appointment of Katy Chiovero to the Youth Advisory Board with a term expiration date of 5-31-05. Seconded by Alderman Bullermann and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS, & TABLED ITEMS/None

CONSENT AGENDA

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

Minutes

Approval of Common Council Minutes from Meeting held on May 27, 2003

Utility and Finance

Claims

Approval of payment of Water Utility claims in the amount of \$396,510.01; Sewer Utility claims in the amount of \$343,645.01; and Bi-weekly claims in the amount of \$320,021.69 all of which represent payments to vendors.

Licenses

Bartender Licenses

Approval of the Bartender License for the year 2002-2004 to Jennifer Cieszynski.

Approval of the Bartender Licenses for the year 2002-2004 to Joseph Bates, Barbara Blaeske, Stuart Bloom, Eric Fuehrer, Brian Holloway, Jennifer Jones and Jessica Petrusich.

2003 License Renewals

Approval of the "Class B" Fermented Malt Beverage and Intoxicating Liquor License renewal for the year 2003-2004 to China Dragon, LLC/Min Liang, Agent at **China Dragon Restaurant**, 15820 W National Avenue.

Approval of **all licenses** as presented, subject to approval by the Inspection Department and payment of personal property taxes and delinquent liquor bills.

Miscellaneous

Hotel Tax Grant Program

Approval of the "Proposed Room Tax Funded Grant Program".

Approval of the creation of a Special Projects Commission to recommend grant awards to promote tourism and economic development activities.

New "Open Permit" Policy

Approval of a new "Open Permit" Policy as described by the Gregory W Kessler, Director of Community Development on a memo dated 6-2-03.

Amendment of the Professional Services Agreement with the Planning and Design Institute

Approval of the amendment of the Professional Services Agreement with the Planning and Design Institute (PDI) to update the City Center Plan in an amount not to exceed \$45,000 from Account #252.320 City Center Implementation CIP.

Release Developer Escrow Funds/Resolution No. 03-27 "A Resolution to Release an Escrow Fund to Mero Susnar, Tax Incremental District for the Westridge Development Properties, LLC and Westridge Hotel Property, LLC, Wisconsin Liability Companies" & Resolution No. 03-28 "A Resolution to Release an Escrow Fund to King Yee, Tax Incremental District for the Westridge Development Properties, LLC and Westridge Hotel Property, LLC, Wisconsin Liability Companies"

Adopt Resolution No. 03-27 and Resolution No. 03-28.

City Attorney Contract

Approval of the extension of the City Attorney contract with Hippenmeyer, Reilly, Moodie & Blum, S. C. on its current terms, to December 31, 2003, instead of the original expiration date of October 23, 2003.

Minutes

Common Council Minutes from June 3, 2003

Motion by Alderman Wilkens to approve the June 3, 2003 Common Council minutes as amended by City Clerk. Seconded by Alderman Ament and carried unanimously.

Proposed Amendment of Section 161(B)/Ordinance No. 2204 "Ordinance Repealing and Recreating Section 161-3(B) of the City of New Berlin Municipal Code Pertaining to Truancy" (1st Reading)

Motion by Alderman Chiovatero to waive the 2nd & 3rd readings. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Ament to adopt Ordinance No. 2204. Seconded by Alderman Wilkens and carried unanimously.

Guidelines Used for Council Approval of Bartender's Licenses

Motion by Alderman Chiovatero to recommend to Council approval of recommended Guidelines for Alderman for Approval of Bartender's Licenses. Seconded by Alderman Wilkens and carried unanimously.

RESOLUTIONS AND ORDINANCES/None

ADJOURN

Motion by Alderman Ament to adjourn at 9:30 PM. Seconded by Alderman Augustine and carried unanimously.

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