

**Proceedings of the Common Council Meeting  
April 22, 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, April 22, 2003, at the New Berlin City Hall at 7:45 p.m.

Roll Call: Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens and Ament. Alderman Chiovatero is excused. Also present was City Attorney Mark Blum, City Clerk Marilyn Gauger, Utility & Streets Director Ray Grzys, Community Development Director Greg Kessler, City Engineer JP Walker, Planning Services Manager David Haines, IT Manager Sue Schaefer and IT Administrator Catey Barnish.

**ELECTION OF COUNCIL PRESIDENT**

Motion by Alderman Ament to nominate Alderman Bullermann. Seconded by Alderman Augustine. Being no other nominations, nominations were then closed.

Motion by Alderman Ament to elect Alderman Tom Bullermann as Council President for 2004. Seconded by Alderman Wilkens and carried unanimously.

**Clerk's Report** - None

**Council President's Report**

Appointments to Boards & Commissions  
Next meeting.

**Mayor's Report** – gave report

**City Attorney's Report** - None

**COMMUNICATIONS**

**Notice of Claim** – David J Kachelmeyer  
Refer to City Attorney.

**Communication from City Attorney re: Decade Companies and Jack Collier Claims**

Motion by Alderman Wilkens to deny the Jack Collier claim per the City Assessor and City Attorney recommendations. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Wilkens to deny the Decade Companies claim per the City Assessor and City Attorney recommendations. Seconded by Alderman Gallagher and carried unanimously.

**Communication from City Attorney re: Matthew Sobczak Claim**

Motion by Alderman Wilkens to deny this claim per the City Attorney recommendation. Seconded by Alderman Gallagher and carried unanimously.

## **PLAN COMMISSION**

### **Rogers/Thomson/Polzin Lands – 5265 S Racine Avenue – 60 Lot Conservation Subdivision**

Motion by Alderman Ament that the issues identified in the recommendations of staff in their report to the Plan Commission regarding the Rogers/Thomson/Polzin subdivision at 5265 S Racine Avenue be deemed as being in substantial conformance with the preliminary plat as approved by order of Waukesha County Circuit Court Judge Robert Mawdsley with the following conditions:

1. Stipulation by the Common Council and the Developer that the court approved preliminary plat is in substantial conformance and shall be the basis for the final plat to be submitted for final plat approval by Developer.
2. Lot 47 shall be re-located so that it can be served by an on-site sewage treatment facility (septic system).
3. A Developer's Agreement will not be approved until all construction Plans have been approved by the Director.
4. Any substantial change in the lot layout or road layout required to meet engineering development standards shall require Plan Commission review. The Director of Community Development shall determine whether a substantial change has taken place.
5. Construction Plan shall not be approved until the Director has approved a Stormwater Management Plan.
6. Construction Plans shall address grading and drainage issues.
7. Construction Plans shall not be approved until a wetland crossing permit will need to be issued by the DNR.
8. Construction Plans shall not be approved until ANR Pipeline has given approval to the cross their gas-line easement.
9. Construction Plans shall not be approved until Traffic Impact Study, meeting the requirements of the Director, has been submitted.
10. Construction Plans shall have the metes and bounds description of the delineated wetlands.
11. Construction Plans shall show any proposed amenities such as, subdivision signage, light posts, nature trails, landscaping, outlots structures, etc.
12. The developer shall apply for rezoning all delineated wetlands to C-2, and all outlots to C-3 prior to application for the Final Plat.
13. Dedication of an access point to the subdivision to the West.

Seconded by Alderman Gallagher.

Motion by Alderman Ament to amend the motion to take out Condition #2. Seconded by Alderman Bullermann. Tie vote. Mayor Wysocki voted no, motion failed.

Upon voting on the original motion, the motion carried with Alderman Harenda voting no and Alderman Ament voting as being present (abstain).

### **Wireless Telecommunication Facilities/Schedule Public Hearing**

Motion by Alderman Ament to set the public hearing date for Wednesday, May 21, 2003 at 6:00

p.m. before Plan Commission. Seconded by Alderman Harenda and carried with Alderman Gallagher voting no.

**Moorland Road Watermain Relocation Order – Moorland Road from Heatherly Drive to Northwest Corner of Moorland Commons/Easement Acquisitions**

Discussed under Referrals, Deferrals and Tabled Items.

**BOARD OF PUBLIC WORKS**

**Reallocation of 2003 Roadway Maintenance Funds/Resolution No. 03-18 “A Resolution Amending the 2003 City of New Berlin Roadway Maintenance Budget Transferring Funds to Engineering Part-time Account”**

Motion by Alderman Harenda to adopt Resolution No. 03-18. Seconded by Alderman Ament and carried unanimously.

**Topographic Survey of Grange and Coffee Road/Award of Professional Services**

Motion by Alderman Harenda to award the Professional Services Contract for the topographic surveys of Grange Avenue from Moorland Road to 124<sup>th</sup> Street and Coffee Road from National Avenue to ½ mile west of Moorland Road to the lowest, responsive, responsible bidder, Bonestroo, Rosene, Anderlik & Associates in the amount of \$34,155.00 from Acct #252-575 Grange Avenue Design and Acct #252-570 Coffee Road Design. Seconded by Alderman Augustine and carried unanimously.

**Reallocation of Available 124<sup>th</sup> Street Reconstruction Funds/Resolution No. 03-19 “A Resolution Amending the 2003 City of New Berlin 124<sup>th</sup> Street Reconstruction Project Budget Transferring Funds to 179<sup>th</sup> Street & Lincoln Avenue Project”**

Motion by Alderman Harenda to adopt Resolution No. 03-19. Seconded by Alderman Ament and carried unanimously.

**Hales Corners Lutheran Church Development Agreement**

Motion by Alderman Harenda to approve the Development Agreement for Steeple View Senior Community subject to final review as to form by the City Attorney. Seconded by Alderman Bullermann and carried unanimously.

**STORM WATER COMMITTEE/No Report**

**UTILITY COMMITTEE /No Report**

**LANDMARKS COMMISSION/No Report**

**SAFETY COMMISSION/No Report**

**PARKS & RECREATION COMMISSION**

**DNR Urban Nonpoint Source & Storm Water Construction Grant Program/Resolution No. 03-20 “Urban Nonpoint Source & Storm Water Construction Grant Program New Berlin Hills/Root River Stream bank Stabilization:**

Motion by Alderman Gallagher to adopt Resolution No. 03-20. Seconded by Alderman Bullermann and carried unanimously.

**MAYORAL APPOINTMENTS**

**Board of Review**

Motion by Alderman Harenda to re-appoint Amy Narus to Board of Review with expiration date of 5-31-08. Seconded by Alderman Wilkens and carried unanimously.

**Safety Commission**

Motion by Alderman Harenda to appoint Earl R Strandt to Safety Commission with an expiration date of 4-30-05. Seconded by Alderman Wilkens and carried unanimously.

**Special Assessment Review Committee**

Motion by Alderman Harenda to re-appoint Robert A Hoelzl to Special Assessment Review Committee with an expiration date of 4-1-06. Seconded by Alderman Wilkens and carried unanimously.

**ACTION ON PUBLIC HEARINGS/None**

**REFERRALS, DEFERRAL AND TABLED ITEMS**

**Revised Ordinance No. 2193 “City of New Berlin Storm Water Management” – TABLED 2-25-03**

Motion by Alderman Harenda to remove from the table. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Wilkens to adopt Ordinance No. 2193 to create Chapter 20 of the Municipal Code of the City of New Berlin Relating To The Control of Post-Construction Storm Water Runoff. Seconded by Alderman Bullermann and carried with Alderman Gallagher and Alderman Ament voting no.

**Utility Committee – Moorland Road Water Main and Sanitary Sewer – ROW Acquisition Plat/Resolution No. 03-15 “Declaration of Public Necessity and Relocation Order for Moorland Road Water Main and Sanitary Sewer in the City of New Berlin, Waukesha County, Wisconsin”**

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

Motion by Alderman Bullermann to adopt Resolution 03-15. Seconded by Alderman Wilkens and carried with Alderman Ament voting no.

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**CONSENT AGENDA**

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

**MINUTES**

Approval of Minutes of the Common Council Meetings held on April 8, 2003

**UTILITY & FINANCE**

**Claims**

For April 22, 2003:

Approval of Water Utility Claims in the amount of \$124,359.00; Sewer Utility Claims in the

amount of \$129,747.86; and Bi-weekly Claims in the amount of \$361,254.46, all of which represents payments to vendors.

**Licenses**

Approval of Bartender license year 2002-2004 to Leanne M Plencner.

Approval of Bartender license year 2002-2004 to Mary L Salmon, Gary E Heyel and Sarah Jo Giesfeldt.

**MISCELLANEOUS**

**Web Design and Content Management Solution for the City/Approval of Website Development Agreement**

Approval of Website Development Agreement

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**MISCELLANEOUS**

**Resolution No. 03-17 “A Resolution Amending the 2003 City of New Berlin Engineering Services Operating and Planning Services Operating Budgets Transferring Funds to IT Equipment Operating”**

Motion by Alderman Harenda to adopt Resolution No. 03-17. Seconded by Alderman Bullermann and carried unanimously.

**RESOLUTIONS AND ORDINANCES/None**

**CLOSED SESSION**

City Clerk Gauger read the following:

The basis for the items to be discussed in Closed Session are 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.

- Litigation Report -

**CLOSED SESSION**

Motion by Alderman Ament to go to Closed Session at 9:45 PM. Seconded by Alderman Harenda with voting as follows: Alderman Bullermann – yes; Alderman Augustine – yes; Alderman Gallagher – yes; Alderman Harenda – yes; Alderman Wilkens – yes; and Alderman Ament – yes. Roll Call vote carried unanimously.

**OPEN SESSION**

Motion by Alderman Augustine to reconvene in Open Session at 10:10 p.m. Seconded by Alderman Ament and carried unanimously.

**Possible Action on Litigation Report**

No action taken.

**ADJOURN**

Motion by Alderman Ament to adjourn the meeting at 10:10 p.m. Seconded by Alderman Wilkens and carried unanimously.

**Respectfully submitted as City Clerk:**

**Marilyn Gauger, CMC**

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