

Proceedings of the Common Council Meeting March 25, 2003

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, March 25, 2003, at the New Berlin City Hall at 7:45 p.m.

Roll Call: Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovero and Ament. Also present was City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Community Development Greg Kessler, City Engineer JP Walker and Division Engineer Eric Nitschke.

Clerk's Report – Absentee Ballots are available for the April 1st election. Absentee voting can be done during regular hours from 8:00 to 4:30 the remainder of this week and on Monday, March 31st from 8:00 AM to 5:00 PM. Earth Day activities are Saturday, April 12 at Calhoun Park from 12-4 with free admission.

Council President's Report - None

Mayor's Report – gave report

City Attorney's Report - None

COMMUNICATIONS

Notice of Claim – William Lawton

Referred to City Attorney

PLAN COMMISSION /No report

BOARD OF PUBLIC WORKS/No report

STORM WATER COMMITTEE

Update Stormwater Management Policy – 13-01-001 Invert Lining Policy

Motion by Alderman Bullermann to adopt the Invert Lining Policy (Stormwater Management Policy 13-01-001) with regards to all open drainage facilities within Right-of-Way and easements of the City of New Berlin as amended. Seconded by Alderman Wilkens and carried unanimously.

UTILITY COMMITTEE /No report

LANDMARKS COMMISSION/No Report

SAFETY COMMISSION/No Report

AD HOC LEAF BURNING COMMITTEE

Implementation of Committee Recommendation

Motion by Alderman Wilkens to defer action to the next meeting, April 8, 2003. Seconded by Alderman Harenda and carried unanimously.

MAYORAL APPOINTMENTS/None

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS AND TABLED ITEMS

Revised Ordinance No. 2193 “City of New Berlin Storm Water Management” –

TABLED 2-25-03 – No action

CONSENT AGENDA

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

MINUTES

Minutes of the Common Council Meetings held on March 11, 2003

UTILITY & FINANCE

Claims

For March 25, 2003:

Water Utility Claims in the amount of \$17,393.67; Sewer Utility Claims in the amount of \$3,322,013.45, of that amount \$3,131,249.03 represents payments to MMSD, and the remaining amount of \$190,764.42 represents payments to vendors; and Bi-weekly Claims in the amount of \$942,278.07, all of which represents payment to vendors.

Bartender License

For license year 2002-2004 to Jason D Dorn.

MISCELLANEOUS

STP Urban Grant Application for Calhoun Road – Greenfield to Cleveland

Authorize the Community Development to: apply for STP-Urban grant funds from WisDOT for the next funding cycle (WisDot’s FY2006-FY2007) for Calhoun Road from Greenfield Avenue to Cleveland Avenue; if the STP-Urban grant is awarded to this project, authorize acceptance of grant; implement a State-Municipal Agreement for the design, right-of-way acquisition, utility relocation and construction of the project.

Benefits to Reservists

Approve the revised “Benefits for Reservists” Policy dated March 1, 2003

Health Care Premium Savings Initiative/Resolution No. 03-09 “A Resolution to Consider Joining Wisconsin Municipalities Health Care Trust”

Approve Health Care Premium Savings Initiative/Resolution No. 03-09 “A Resolution to Consider Joining Wisconsin Municipalities Health Care Trust” from Acct #616.

Bartender License

Motion by Alderman Gallagher to approve the 2002-2004 Bartender License for Rebecca L Pyne. Seconded by Alderman Ament and carried with Alderman Bullermann voting no.

RESOLUTIONS AND ORDINANCES

Resolution No. 03-08 “Resolution Providing for the Publication Following Inspection Adoption of the City of New Berlin’s Storm Water Runoff Ordinance”

Motion by Alderman Bullermann to adopt Resolution No. 03-08. Seconded by Alderman and carried unanimously.

Ordinance No. 2196 “Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Removing Director of Buildings, Inspection and Zoning, Assistant Director of Planning, Chief Building Inspector, Building Maintenance Manager, Utility Operations Manager and Secretary-Human Resources” (1st Reading)

Ordinance No. 2197 “Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Adding Assistant Fire Chief with a Salary Range of 14, Building Maintenance Manager with a Salary Range of 13, IT Manager with a Salary Range of 13, Planning Services Manager with a Salary Range of 13, Inspection Services Manager with a Salary Range of 12, Lead Inspector with a Salary Range of 10, IT Programmer/Analyst with a Salary Range of 9, IT Network Administrator with a Salary Range of 8, IT System Administrator with a Salary Range of 8, and Human Resources/Safety Administrator with a Salary Range of 7”, and Human Resources Clerk with a Salary Range of 2 (1st Reading)

Ordinance No. 2198 “Ordinance Amending Section 11-7 of the City of New Berlin Municipal Code Removing the Positions of Director of Buildings, Inspection and Zoning, and Director of Information Systems” (1st Reading)

Ordinance No. 2199 “Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Adding the Positions of Human Resources/Safety Administrator, IT Network Administrator, IT System Administrator, IT Programmer/Analyst, Lead Inspector, Inspection Services Manager, IT Manager and Planning Services Manager” (1st Reading)

Ordinance No. 2200 “Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Removing the Positions of Assistant Director of Planning, Chief Building Inspector, Director of Buildings, Inspection and Zoning, and Secretary-Human Resources” (1st Reading)

Ordinance No. 2201 “Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Renaming Director of Streets, Parks and Recreation to Director of Forestry, Parks and Recreation, and Renaming Director of Finance and Utilities to Director of Finance and Administration” (1st Reading)

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) 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.

-Steffes Construction-
-Honeyager v. City of New Berlin Litigation-

CLOSED SESSION

Motion by Alderman Ament to go to Closed Session at 8:00 PM. Seconded by Alderman Wilkens with voting as follows: Alderman Bullermann – yes; Alderman Augustine – yes; Alderman Gallagher – yes; Alderman Harenda – yes; Alderman Wilkens – yes; Alderman Chiovatero – yes; and Alderman Ament – yes. Roll Call vote carried unanimously.

OPEN SESSION

Motion by Alderman Augustine to reconvene in Open Session at 8:45 PM. Seconded by Alderman Gallagher and carried unanimously.

STORM WATER COMMITTEE

Possible Action on Steffes Construction

Calhoun Creek Streambank Stabilization – Construction Contract Cancellation

Motion by Alderman Bullermann to terminate Steffes Construction for cause for the Calhoun Creek Streambank Stabilization Project based upon recommendation of staff. Seconded by Alderman Gallagher and carried unanimously.

Calhoun Creek Streambank Stabilization – Award of Construction Contract to 2nd lowest bidder

Motion by Alderman Bullermann to approve awarding the remainder of the project to Werner Bros. Werner Bros. was the second lowest bidder when bids were taken for this project in 2002. Seconded by Alderman Wilkens and carried unanimously.

Possible Action on Honeyager v. City of New Berlin Litigation

Motion by Alderman Ament that based on the judge's decision regarding Honeyager v. City of New Berlin Litigation a public hearing be set before Plan Commission on May 5, 2003 at 6:00 p.m. based on the PUD petition. Seconded by Alderman Bullermann and carried unanimously.

ADJOURN

Motion by Alderman Ament to adjourn the meeting at 8:50 p.m. Seconded by Alderman Wilkens and carried unanimously.

Respectfully submitted as City Clerk:

Marilyn Gauger, CMC

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