

Proceedings of the Common Council Meeting March 11, 2003

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, March 11, 2003, at the New Berlin City Hall at 7:25 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 Utilities and Streets Ray Grzys, Director of Community Development Greg Kessler, Director of Finance & Administration Mike Holzinger, City Assessor Paul Koller, Director of Human Resources Tamara Potkey, City Engineer JP Walker, Planning Services Manager David Haines, Director of Park, Recreation & Forestry Mark Schroeder and Building Maintenance Manager Bob Schulpuis.

Clerk's Report – Absentee Ballots are available for the April 1st election. Earth Day activities are scheduled for April 12, 2003 from 12:00 PM to 4:00 PM at Calhoun Park.

Council President's Report - None

Mayor's Report – None

City Attorney's Report - None

CIVIL SERVICE COMMISSION

Reorganization Action Items

Motion by Alderman Ament to approve the organizational structure as presented in the Reorganization Action Items for March 11, 2003 Common Council packets. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Bullermann to approve the Civil Service and Ernst & Young decision band recommendations for new and/or modified job descriptions, including amendments of March 11, 2003, all to be effective January 1, 2003. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Augustine to direct the City Attorney to prepare an Ordinance consistent with the Civil Service and Ernst & Young decision band recommendations for new and/or modified job descriptions to permit the Common Council to give further consideration to this issue. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to eliminate the Code Compliance Officer position and create, in its place, a Building Maintenance Technician and Civil Engineer. Seconded by Alderman Ament and carried unanimously.

COMMUNICATIONS

Notice of Claim – Carmello Caputa

Referred to City Attorney

Communication from City Attorney re: Claim of Scott Sievert and American Family

Insurance Company

Motion by Alderman Wilkens to deny this claim based upon the failure of the claimant to follow the procedure set forth in Wisconsin Statute Section 893.80. Seconded by Alderman Bullermann and carried unanimously.

Communication from Ardelle Gulrud re: Delinquent Taxes/Response from Director of Finance and Administration.

Motion by Alderman Ament to waive the interest and penalty in the amount of \$41.78 for tax key #1267.004. Seconded by Alderman Chiovatero and carried unanimously.

Communication from Walter Ciombor re: Delinquent Taxes/Response from Director of Finance and Administration.

Motion by Alderman Ament to waive the interest and penalty in the amount of \$63.37 for tax key #1227.999.001. Seconded by Alderman Augustine and carried with Alderman Gallagher and Alderman Wilkens voting no.

Communication from City Attorney re: Claims of Excessive Assessment Relative to Michael Popp and Roadmaster LLC (David Ghuman)

Motion by Alderman Ament to deny the request of Michael Popp, tax key #1294.140 and David Ghuman, dba Roadmaster LLC, personal property #276000 for excessive assessment because the property owners have not complied with the Board of Review process. Seconded by Alderman Bullermann and carried unanimously.

PLAN COMMISSION

New Berlin City Center

Motion by Alderman Ament to approve the request by New Berlin City Center for a two lot land division located at 15051 W. National Avenue subject to:

- 1) The City shall not sign this CSM until the CSM approved by the Common Council on 9/24/02 has been recorded.
- 2) A 60' x 60' vision corner easement shall be on Lot 2 at the National Avenue and Coffee Street corner.
- 3) It shall be noted on the CSM that Lot 2 shall not have any permanent vehicle access to Coffee Street. Temporary access for construction traffic may be permitted.
- 4) An executed Developer's Agreement is required for all public improvements; and prior to any clearing, grubbing, or grading.
- 5) Payment of Park & Open Space Fees are required prior to the City signing the CSM.

Seconded by Alderman Bullermann and carried unanimously.

MLG Development – 13150 W. Janesville Rd – Rezone from R-3 to R-4/PUD.

Motion by Alderman Ament to request a public hearing be held by Plan Commission and set for April 7, 2003 @ 5:00 PM to rezone the MLG Property located at 13150 W. Janesville Rd. from R-3 to R-4/PUD. Seconded by Alderman Bullermann and carried unanimously.

BOARD OF PUBLIC WORKS

Geotechnical Exploration and Evaluation of Subsurface Conditions on Lincoln Avenue –

Award of Contract

Motion by Alderman Chiovatero to award the contract to the lowest responsive, responsible bidder, KTE Geotechnical and Forensic Engineering from Brookfield, WI in the amount of \$7,610.00 for Project No. R-1-03 for a total project amount of \$12,500 coming from 2002 CIP Account #4.252.415 to 4.252.416 Geotechnical Exploration & Evaluation. Seconded by Alderman Harenda and carried unanimously.

STORM WATER COMMITTEE – No Report

UTILITY COMMITTEE

Resolution No. 03-02 “Final Resolution in Accordance with Section 66.0703 Wisconsin Statutes Authorizing Levying Special Assessments Against Benefited Properties in the Lincoln Avenue/179th Street Special Assessment District”

Motion by Alderman Gallagher to adopt Resolution No. 03-02. Seconded by Alderman Wilkens and carried unanimously.

Award of Construction Contract K-346 Lincoln Avenue/179th Street Water & Sanitary Sewer Service

Motion by Alderman Gallagher to award Construction Contract K-346 Lincoln Avenue/179th Street Business Park Water and Sanitary Sewer service to the lowest responsive, responsible bidder, Globe Contractors, Inc., Pewaukee, WI for \$1,086,128.27 for Project #K-346 and waive any irregularities for a total project cost not to exceed \$1,319,800 for Water Utility Account #343 and Sewer Utility Account #343. Funded by Water Impact Fees (ACCT#252), Water RCA Fees, Sewer Impact Fees (Acct #252) and Developer Contributions. Seconded by Alderman Wilkens and carried unanimously.

Change Order for Design Change of Chlorine Gas to Accu-Tab Well 11

Motion by Alderman Gallagher to authorize the change order request by Ruckert & Mielke to do a design change of the Chlorine Gas to an Accu-Tab solution at Well #11 at a cost not to exceed \$2,800 funded by Water Utility Account #314. Seconded by Alderman Wilkens and carried unanimously.

Preliminary Special Assessment Resolution/Calhoun Road – Ryerson to Victor/Schedule Public Hearing

Being sent back to Utility Committee as a Utility project.

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

PARK & RECREATION COMMISSION

Hickory Grove Phase III Window Replacement – Reallocation of 2003 CIP Budget Monies

Motion by Alderman Gallagher to reallocate \$38,000 from the Hickory Grove Windows CIP Account #252.545 to Account #252.546 to be used for repair of the roof at Hickory Grove with the remainder of \$67,000 to be used toward the window project. Seconded by Alderman Bullermann and carried unanimously.

Historic Park Parking Lot Paving – Reallocation of 2003 Budget Monies

Motion by Alderman Gallagher to reallocate the \$8,900 budgeted in Operating Account #591.815 for the paving project to Account #591.820 to be used for the roof replacement of the Winton-Sprengel House at Historic Park. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS - None

ACTION ON PUBLIC HEARINGS - None

REFERRALS, DEFERRALS AND TABLED ITEMS

Utility Committee

Contract Award – Water/Sewer Special Assessments – Lincoln Avenue & 179th Street – TABLED 1-14-03

Action taken under Utility Committee above.

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

No action taken.

CONSENT AGENDA

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

MINUTES

Minutes of the Public Hearing held on February 25, 2003 re: Purchase of City of Milwaukee water

Minutes of the Common Council Meetings held on February 25, 2003

UTILITY & FINANCE

Claims

For March 11, 2003:

Water Utility Claims in the amount of \$121,281.06; Sewer Utility Claims in the amount of \$50,488.11; and Bi-weekly Claims in the amount of \$31,120.81

Bartender License

For license year 2002-2004 to Jennifer S Grunwald, Jason A Rogahn, Renee A Rouse and Michele J Stopczynski.

Amendment to “Class B” Retailers License

To include the parking lot area for Mustang Shelly’s at 18540 W National Avenue on Saturday, May 3, 2003 from 11:00 am to 10:00 PM and Sunday, May 4, 2003 from 9:00 am to 10:00 PM and owner must provide trained staff to direct people in and out of the parking lot, the staff must wear a fluorescent safety vests (flashlight at night) and they must be sober. Also owner must provide security people on premise during event. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment.

MISCELLANEOUS

Update Signature Resolutions

Mayor, City Clerk and Director of Finance be authorized to sign Bank resolutions and signature cards to update changes in staffing.

Resolution to Dissolve Tax Incremental District #2/Resolution No. 03-06

To adopt Resolution No. 03-06.

“Resolution Authorizing the Issuance and Sale of \$5,900,000 General Obligation Promissory Notes, Series 2003”/Resolution No. 03-07

To adopt Resolution No. 03-07.

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) (e) of the Wisconsin State Statutes.

- (e) 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.

-Possible Purchase of Milwaukee Water-

CLOSED SESSION

Motion by Alderman Ament to go to Closed Session at 8:20 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 Ament to reconvene in Open Session at 8:45 PM. Seconded by Alderman Chiovatero and carried unanimously.

ADJOURN

Motion by Alderman Ament to adjourn the meeting at 8:45 p.m. Seconded by Alderman Wilkens and carried unanimously.

Respectfully submitted as City Clerk:

Marilyn Gauger, CMC

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