

**Common Council Minutes
January 14, 2003**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, January 14, 2003, at the New Berlin City Hall at 8:50 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovarero and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, Deputy City Clerk Nancy Hoffmann, Director of Human Resources Tami Potkay, Associate Planner David Haines, City Engineer JP Walker, Director of Utilities & Streets Ray Gryzs, and Director of Emergency Government Scott Schulpus.

Clerk's Report - Deputy City Clerk Hoffmann gave a Clerk's Report.

Council President's Report

Appointments to Ad Hoc School Board and Council Committee

Motion by Alderman Bullermann to appoint Scott G. Pompe and Tim Cramer to the Ad Hoc School Board and Council Committee. Seconded by Alderman Chiovarero and carried unanimously.

Council President Bullermann then gave a Council President's Report, recognizing Greg Kessler who has been elected to a two year term as the Vice President for the Wisconsin Chapter of the American Planning Association.

Mayor's Report - No Report

City Attorney's Report - No Report

COMMUNICATIONS

Notice of Claim - Cathy D. Kucan - to City Attorney

Communication from Customer Service Committee re: Referral from Council regarding Youth Advisory Board - to Youth Advisory Board

PLAN COMMISSION

Alderman Ament reported from the meeting held on January 6, 2003:

Wellhead Protection Overlay

Motion by Alderman Ament to recommend to Council approval to amend the Zoning Code to create a WHP Wellhead Protection Zoning District, and change the zoning map to include the WHP Zoning District around City Well #10 and #11, and to direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Wilkens and carried unanimously.

Frederick A. Selin – 13203 W. Honey Ln. - Sw ¼ Sec. 1 — Two-Lot Final Land Division

Motion by Alderman Ament to deny without prejudice the request by Frederick A. Selin for a two-lot final land division located at 13203 W. Honey Lane, based on Condition #1 not being fulfilled. Seconded by Alderman Wilkens and carried unanimously.

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE

Alderman Bullermann reported from the meetings held on December 10, 2002 and January 7, 2003:

Design of Gatewood Storm Sewer - Award of Contract

Motion by Alderman Bullermann to recommend to Council approval of the award of contract for the design of the Gatewood Subdivision Storm Sewer to the lowest bidder, Crispell-Snyder, Inc. Seconded by Alderman Chiovaturo and carried unanimously.

Amended Storm Water Ordinance

Motion by Alderman Bullermann to recommend to Council to amend the Storm Water Ordinance. Seconded by Alderman Wilkens and carried with Aldermen Gallagher and Harenda voting “no”.

Stormwater Billing Policy

Motion by Alderman Bullermann to recommend to Council adoption of the Stormwater Billing Policy as noted. Seconded by Alderman Harenda and carried unanimously.

UTILITY COMMITTEE

Alderman Gallagher reported from the meeting held on January 8, 2003:

Contract Award - Water/Sewer Special Assessments - Lincoln Avenue & 179th Street

Motion by Alderman Gallagher to table this item. Seconded by Alderman Bullermann and carried unanimously.

Contract Change Order – Marcus Land Purchase/Offer to Purchase

Motion by Alderman Gallagher to recommend to Council to authorize a change order request for Stephen Simpson of the Highland Group of Wisconsin Inc. for \$75.00/hr for 12 hours of additional service. In addition, recommend to proceed with the acquisition service with Marcus Corp at an additional 12 hours of service total cost not to exceed \$1800.00 over his original contract. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Gallagher to recommend to Council to issue a Jurisdictional Offer in the sum of \$19,000.00 to secure fee simple title and necessary Rights-of-Way for construction and operation of Well #11 Pumphouse and the connecting main(s) and an 18 month Option-to-Purchase for the Marcus-1 Site pursuant to Wisconsin Statutes Sec. 32.05 to be funded by A/C # 310. Seconded by Alderman Bullermann and carried unanimously.

Extend Contract Ruekert & Mielke – Milwaukee Water Negotiations

Motion by Alderman Gallagher to recommend to Council to authorize a change order to the original dollar amount of \$12,840.00 to cover the last over charge of \$435.72 and to increase the original dollar amount approved in March of 2002 by \$8,000.00 to cover future negotiation charges that may occur. Seconded by Alderman Harenda and carried unanimously.

Contract Award – Water Meter Reading

Motion by Alderman Gallagher to recommend to Council to approve a three-year meter reading contract for the City of New Berlin to IMServ North America LLC to read an approximate 7,600 water meters 4 times/year at a unit cost of .66 per read. Seconded by Alderman Harenda and carried unanimously.

Contract Award – Professional Service Design Work - Moorland Road Watermain Loop

Motion by Alderman Gallagher to recommend to Council to approve a Professional Services Agreement with Earth Tech, Consulting Engineers, for project design services for Moorland Road Watermain extension (Project #W-136) for a fee not to exceed \$23,950** with Total Design Phase not to exceed \$37,500 and to be funded by TIF Account #4-255-353. Seconded by Alderman Wilkens and carried with Alderman Ament voting “no”.

LANDMARKS COMMISSION

Alderman Harenda reported from the meeting held on October 17, 2002:

Designation of German Evangelical Protestant Church Cemetery as New Berlin Landmark

Motion by Alderman Harenda to recommend to Council designation of the German Evangelical Protestant Church Cemetery, Tax Key Number 1230.989 now owned by The City of New Berlin, located at 4101 S. Racine Avenue as a New Berlin Landmark, because it meets various criteria in Section 141-4 of our Municipal Code. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Harenda to recommend to Council designation of the German Evangelical & Reformed Church Cemetery, Tax Key Number 1224.990 now owned by The City of New Berlin, located at 3700 S. Racine Avenue as a New Berlin Landmark, because it meets various criteria in Section 141-4 of our Municipal Code. Seconded by Alderman Ament and carried unanimously.

SAFETY COMMISSION

Alderman Chiovaturo reported from the meeting held on January 8, 2003:

“No Parking” Request - Regal Drive by Regal Park/Resolution No. 03-01 “A Resolution to Place No Parking Signs on Regal Drive by Regal Park”

Motion by Alderman Chiovaturo to recommend to Council that “No Parking” signs be posted on the west side of Regal Drive from the north line of the park south to Mayflower Drive. Seconded by Alderman Ament and carried with Alderman Gallagher voting “no”.

Motion by Alderman Chiovaturo to adopt Resolution No. 03-01. Seconded by Alderman Wilkens and carried with Alderman Gallagher voting “no”.

TECHNOLOGY COMMITTEE - No Report

CIVIL SERVICE COMMISSION

2003 Salary Ranges and Matrix

Motion by Alderman Bullermann to approve the 2003 Salary Ranges as proposed (3% + 1%) with a sliding Matrix to be developed to meet budgetary guidelines. Seconded by Alderman Wilkens and carried with Aldermen Gallagher and Ament voting “no”.

MAYORAL APPOINTMENTS

Emergency Government Director

Motion by Alderman Bullermann to reappoint R. Scott Schulpius as the Emergency Government Director, with an expiration date of December 31, 2005. Seconded by Alderman Wilkens and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS AND TABLED ITEMS/None

CONSENT AGENDA

Motion by Alderman Augustine, seconded by Alderman Bullermann carried unanimously to approve the following items from the consent agenda:

MINUTES

Minutes of the Common Council Meetings held on December 10, 2002

UTILITY & FINANCE

Claims

From December 19, 2002:

Approve payment of Water Utility Claims in the amount of \$48,134.59; Sewer Utility Claims in the amount of \$15,454.87, and Bi-weekly Claims in the amount of \$555,435.42, all of which represents payments to vendors.

From January 2, 2003:

Approve Bi-weekly Claims in the amount of \$229,118.86. Of that amount \$161,511.48 was tax overpayments and the remaining amount of \$67,607.28 represents payments to vendors.

LICENSES

Bartender Licenses

Approve the Bartender Licenses for the year 2002-2004 to Corey J. Regan and Bryan M. St. John.

Outdoor Music

Allow bands playing at the St. Elizabeth Ann Seton Church Festival to perform until 11 p.m. on Friday and Saturday, July 25 & 26, 2003, and until 7 p.m. on Sunday, July 27, 2003.

MISCELLANEOUS

Create Background Check Ordinance

Recommend Council approve an Ordinance to create Section 51-20 for the purpose of authorizing criminal background checks of prospective employees of the City.

Terms of Office for Youth Advisory Board Members

Change the term expirations of existing members to May 31, 2003, or 2004 (as appropriate).

Create Finance Committee to Review Annual Budget Process

Form a Finance Committee, consisting of 3 aldermen, to review the current policies and procedures with regard to the annual budget process, and to report to Council on an ongoing basis.

UTILITY & FINANCE

Claims

For January 15, 2003:

Motion by Alderman Chiovaturo to recommend to Council approval of the Water Utility Claims in the amount of \$100,967.78; Sewer Utility Claims in the amount of \$316,382.06, of that amount \$259,432.18 represents payments to MMSD, and the remaining amount of \$56,949.88 represents payments to vendors; and Bi-weekly Claims in the amount of \$896,222.37. Of that amount \$325,563.87 is for 2002 which represents payments to vendors, \$399,658.69 is for 2003 which represents payments to vendors, and the remaining amount of \$170,999.81 is for tax overpayments. Seconded by Alderman Wilkens and carried with Aldermen Gallagher, Chiovaturo and Ament voting “no”.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2192 “Ordinance Creating Section 51-20 of the City of New Berlin Municipal Code Adopting a Pre-Employment Criminal Background Check Policy for the City of New Berlin” (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2192.

Motion by Alderman Ament to waive the second and third readings of Ordinance No. 2192. Seconded by Alderman Chiovaturo and carried unanimously.

Motion by Alderman Ament to approve Ordinance No. 2192. Seconded by Alderman Chiovaturo and carried with Alderman Harenda voting “no”.

Motion by Alderman Harenda to reconsider the vote. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Ament to approve Ordinance No. 2192. Seconded by Alderman Chiovaturo and carried unanimously.

Ordinance No. 2193 “City of New Berlin Storm Water Management Ordinance” (1st Reading)

Deputy City Clerk Hoffmann gave the first reading of Ordinance No. 2193.

Motion by Alderman Bullermann to move into Closed Session at 9:45 p.m. Seconded by Alderman Ament. Upon voting, Alderman Bullermann voted “yes”, Alderman Augustine voted “yes”, Alderman Gallagher voted “yes”, Alderman Harenda voted “yes”, Alderman Wilkens voted “yes”, Alderman Chiovero voted “yes”, and Alderman Ament voted “yes”.

CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(g) & (e) 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.
- (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 Ratification of Teamster’s Contract -
- Employee Separation Package -

Motion by Alderman Ament to move into Open Session at 10:05 p.m. Seconded by Alderman Chiovero and carried unanimously.

OPEN SESSION

Possible Action on Ratification on Teamsters Contract

Motion by Alderman Bullermann to approve the 2 year Teamsters Contract effective April 1, 2002 through March 31, 2004. Seconded by Alderman Ament and carried with Alderman Gallagher voting “no”.

Possible Action on Employee Separation Package

Motion by Alderman Bullermann to recognize 100% of unused sick leave for calculation of the insurance premium bank for post retirement benefits for retired Police Chief Daniel Noordyk. Seconded by Alderman Ament and carried unanimously.

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

Marilyn Gauger
City Clerk

MG/nh