

**Common Council Minutes
October 8, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, October 8, 2002, at the New Berlin City Hall at 7:40 P.M.

Present were Mayor Wysocki, Aldermen Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present were City Attorney Mark Blum, Deputy City Clerk Nancy Hoffmann, Director of Finance and Administration Mike Holzinger, Director of Utilities and Streets Ray Grzys, Director of Parks, Recreation & Forestry Mark Schroeder, and Police Lt. David Dunn. Alderman Bullermann was excused.

Clerk's Report - No Report

Council President's Report - No Report

Mayor's Report

Mayor Wysocki gave a Mayor's Report.

City Attorney's Report

City Attorney Blum gave a City Attorney's Report.

COMMUNICATIONS

Reconsideration Request from Alderman Rush Wilkens re: Approval of Claims - No Action

Communication from Tim & Jan Rowe re: Sewer Backup - to City Attorney

Reconsideration Request from Alderman Harenda re: Resolution No. 02-23 "Initial Resolution Regarding Industrial Development Revenue Bond Financing for Schmitz Redi-Mix, Inc."

Motion by Alderman Harenda to reconsider the approval of Resolution No. 02-23. Seconded by Alderman Gallagher and carried unanimously.

Motion by Alderman Wilkens to adopt Resolution No. 02-23. Seconded by Alderman Bullermann.

Upon voting, the motion failed with Aldermen Wilkens and Chiovatero voting "yes".

PLAN COMMISSION - No Report

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE - No Report

UTILITY COMMITTEE

Alderman Gallagher reported from the meeting held on October 2, 2002:

Update Cartegraphe Asset Management Software (Phase I & II Manhole Rehab)

Motion by Alderman Gallagher to approve a Professional Services Agreement with R.A. Smith & Associates Consulting Engineers, to update Utility Asset Management Software with the Phase I & II Manhole Rehabilitation procedures as an extension to Project #K-344 for a cost not to exceed \$7,500, funded by Wastewater Utility Account # 831.04. Seconded by Alderman Ament and carried unanimously.

Contract Award – Construction Phase III Manhole Rehab

Motion by Alderman Gallagher to award construction contract to the lowest responsive, responsible bidders, for Contract “A” to M.J. Construction, Inc., in the amount of \$877,700 and Contract “B” to Kim Construction, Inc., in the amount of \$48,000 for Project #K-348, and waive any irregularities, for a total project cost plus contingencies, in the amount of \$1,174,200 to be funded by Wastewater Utility Account # 831.04. Seconded by Alderman Harenda and carried with Alderman Ament voting “no”.

Reallocation of Westridge Phase III TIF Funds

Motion by Alderman Gallagher to authorize the reallocation of a portion of residual TIF funding from accounts 4-255-320, 4-255-350 and 4-255-351 for a total requested transfer of \$89,000 to Water account 4-255-353 for the plan and design of approximately 2,650 feet of 16” diameter watermain from Heatherly Drive to the Northwest corner of Moorland Commons on Moorland Road. Seconded by Alderman Wilkens.

Upon voting, Aldermen Harenda, Wilkens and Chiovatero voted “yes”, and Aldermen Augustine, Gallagher, and Ament voted “no”. Tie Vote. Mayor Wysocki voted “yes”, motion carried.

Contract Award – Sewer Cleaning CCTV

Motion by Alderman Gallagher to approve the award of Year 2002 Sewer Cleaning and CCTV Inspection contract to the lowest responsive, responsible bidder, Visu-Sewer Clean & Seal, Inc., Pewaukee, WI for \$245,531.48 on Unit Price Basis for Project #K-358, and waive any irregularities, for a total project cost of \$257,800 funded by Utility Account #831.04. Seconded by Alderman Harenda and carried unanimously.

Easement – Jacobs Ridge

Motion by Alderman Gallagher to approve property owner’s Offer to Sell Temporary and Permanent Easement rights-of-way for \$8,250, and execution of necessary documents to acquire said easements for construction of the Jacobs Ridge Lift Station on Parcels with Tax Key #'s 1186-991 & 1186-994 as part of Sewer and Water Project costs for the 179th & Lincoln Business Park and funded by Sewer Account 310 and Water Account 310. Seconded by Alderman Ament and carried unanimously

LANDMARKS COMMISSION

Alderman Harenda reported from the meeting held on September 19, 2002:

3130 S. Sunnyslope Road - Appeal to Land Designation

Motion by Alderman Harenda to approve the appeal from Joyce Salzmann to remove Landmark Status off the land at 3130 S. Sunnyslope Road due to an error when made and that the landmark be

designated to the house only. Seconded by Alderman Ament and carried unanimously.

SAFETY COMMISSION

Alderman Chiovero reported from the meeting held on September 11, 2002:

Signing of School Zones in City - "School Ahead" and "Speed Limit" Signs

Motion by Alderman Chiovero to recommend that school speed limits for city jurisdiction be set by Resolution at 10 mph under the posted limit for the roadway that the school is located on, giving consistency to the posted mph in school zones, and to direct the City Attorney to prepare the proper Resolution. Seconded by Alderman Wilkens and carried unanimously.

TECHNOLOGY COMMITTEE - No Report

PARKS & RECREATION COMMISSION

Adoption of Park & Open Space Plan/Resolution of the City of New Berlin Common Council Adopting the 2002 Park & Open Space Plan for the City

Motion by Alderman Gallagher to approve the resolution adopting the Park & Open Space Plan. Seconded by Alderman Wilkens.

Motion by Alderman Wilkens to table this item. Motion dies for lack of a second.

Motion by Alderman Chiovero to allow Parks & Recreation Commission Chairman Bill Christel to address the Council. Seconded by Alderman Wilkens and carried unanimously.

Upon voting on the original motion, the motion failed with Alderman Chiovero voting "yes".

MAYORAL APPOINTMENTS/None

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS AND TABLED ITEMS

Resolutions and Ordinances - Ordinance No. 2174 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Removing Utility Operations Manager and Streets Superintendent and Renaming Director of Finance to Director of Finance and Administration with a Salary Range of _____ and Renaming Director of Streets, Parks and Recreation to Director of Forestry, Parks and Recreation with a Salary Range of _____" - TABLED 6-11-02 - No Action

CONSENT AGENDA

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

MINUTES

Minutes of the Common Council Meeting held on September 24, 2002

UTILITY & FINANCE

Claims

Approve payment of Water Utility Claims in the amount of \$46,244.30; Sewer Utility Claims in the amount of \$9,104.85, and Bi-weekly Claims in the amount of \$247,452.74, all of which represents payments to vendors.

LICENSES

Bartender Licenses

Approve Bartender Licenses for the year 2002-2004 to Michele T. Brown, Jason C. Brunk, David K. Buelow, Mario DiSalvo, Ana C. Docta, Jeff J. Hansen, Deanna D. Johnson, Melany D. Johnson, Kahrrin M. Konkel, and Judith Selby.

MISCELLANEOUS

Revise Cable TV Revenue Reserve Policy

Approve the revision of the provisions of the Cable TV Revenue Reserve Policy to limit the year-end balance fund balance to \$50,000.

DEFERRED ITEMS

Setting a Sale Date and Terms for a \$8,900,000 General Obligation Bond Issue for the 2002 Capital Improvement Program Public Library Construction Project/RESOLUTION NO. 02-21 “Initial Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$8,900,000 for Library Project” and RESOLUTION NO. 02-22 “Resolution Directing Publication of Notice to Electors”

Adopt Resolution No. 02-21.

Adopt Resolution No. 02-22.

MISCELLANEOUS

Legal Representation for Park & Recreation Commission Members

Motion by Alderman Wilkens to authorize the City Attorney to represent the members of the Park & Recreation Commission with respect to the investigation of and possible charges arising from an alleged illegal closed session meeting of the Park & Recreation Commission meeting on September 16, 2002. Seconded by Alderman Harenda and carried with Alderman Gallagher “abstaining”.

ITEM FROM SEPTEMBER 17, 2002 COMMITTEE OF THE WHOLE:

Discussion and Recommendation to Council on the Resolution to the Waukesha County Board regarding the County’s Department of Safety Central Dispatching Proposal

Motion by Alderman Wilkens to adopt Resolution No. 02-25 “A Resolution Exempting the City of New Berlin from the County Property Tax Levy for County Consolidated Dispatching Service”. Seconded by Alderman Ament and carried unanimously.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2186 “Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Adding the Positions of IT Network/System Administrator, IT Programmer/Analyst, IT Manager, and Human Resources Clerk, effective January 7th, 2002” (2nd Reading)

Deputy City Clerk Hoffmann gave the second reading of Ordinance No. 2186.

Ordinance No. 2187 “Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Creating IT Network/System Administrator with a Salary Range of 8, IT Programmer/Analyst with a Salary Range of 9, IT Manager with a Salary Range of 13, and Humans Resources Clerk with a Salary Range of 2, Effective January 7, 2002” (2nd Reading)
Deputy City Clerk Hoffmann gave the second reading of Ordinance No. 2187.

Motion by Alderman Harenda to refer this item back to the Decision Band Committee and Civil Service Commission. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Ament to adjourn the meeting at 9:20 p.m. Seconded by Alderman Wilkens and carried unanimously.

**Nancy Hoffmann
Deputy City Clerk**

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