

**Common Council Minutes
September 5, 2002**

Minutes of a Special Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Thursday, September 5, 2002, at the New Berlin City Hall at 8:03 A.M.

Present were Mayor Wysocki, Aldermen Bullermann, Augustine (arrived at 8:08 a.m.), Gallagher, Harenda, Wilkens, Chiovatero (arrived at 8:05 a.m.), and Ament. Also present were City Attorney Mark Blum, City Clerk Judy Weter, Director of Community Development Greg Kessler, Director of Planning Mark Lake, Associate Planner David Haines, City Engineer JP Walker, and Director of BIZ Bob Sigrist.

Motion by Alderman Bullermann to move into Closed Session. Seconded by Alderman Gallagher and carried unanimously.

CLOSED SESSION

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.

- Various Pending Claims Against City -

Motion by Alderman Chiovatero to move into Open Session at 9:55 p.m. Seconded by Alderman Bullermann and carried unanimously.

OPEN SESSION

New Valley Sand and Gravel Co. (N of Tans Dr., S of I-143, E of Crowbar, W of Racine Ave.)- Discuss and Possible Action to Grant an Extension for New Valley Sand and Gravel Co. to File Quarry Reclamation Plan - Discuss and Possible Action to Revoke the Conditional Use Permit for New Valley Sand and Gravel Co.

Motion by Alderman Wilkens to deny the request by New Valley Sand & Gravel for an extension of their non metallic mining permit, based on the failure of New Valley Sand & Gravel to comply with applicable ordinances of the City of New Berlin including but not limited to failing to submit a timely reclamation plan and financial assurances pursuant to NBMC 275-65.5, and based upon the record that has been presented today. Seconded by Alderman Bullermann and carried unanimously.

Kohler Pit, Inc. (N of Lawnsdale, W of Racine Ave) - Discuss and Possible Action to Grant an Extension for Kohler Pit, Inc. to file Quarry Reclamation Plan - Discuss and Possible Action to

Revoke Conditional Use Permit for Kohler Pit

Motion by Alderman Wilkens to grant an extension to Kohler Pit to file a Quarry Reclamation Plan until December 2, 2002 with the City. Seconded by Alderman Bullermann and carried unanimously.

Award Contract for Westridge Stormwater Maintenance Pond Located East of Moorland Road and South of Grange Ave.

Motion by Alderman Wilkens to award the contract for the construction of the Westridge Stormwater Management Pond to the second lowest responsive, responsible bidder, Edgerton Contractors, Inc., in the amount of \$209,265. Seconded by Alderman Chiovatero and carried with Alderman Gallagher voting “no”.

Award Maintenance Contract for Drainage Easement Restoration at 4400 S. Sunnyslope Road

Motion by Alderman Bullermann to award Maintenance Contract for restoration of a drainage easement to the only bid received from Central Services Company, Inc. in the amount of \$17,284 with funds to come from account 7-600-825. The Stormwater Committee review of the proposed bid concluded that the bid is acceptable. Seconded by Alderman Chiovatero and carried with Alderman Gallagher voting “no”.

Motion by Alderman Wilkens to adjourn the meeting at 9:26 a.m. Seconded by Alderman Bullermann and carried unanimously.

**Judy Weter
City Clerk**

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