

**Common Council Minutes  
August 13, 2002**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, August 13, 2002, at the New Berlin City Hall at 7:10 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present were City Attorney Mark Blum, Deputy City Clerk Nancy Hoffmann, Director of Planning Mark Lake, City Engineer JP Walker, and Division Engineer John Graber.

**PRESENTATION to New Berlin West Vikings 6<sup>th</sup> Grade Basketball Team and Coaches - Division 2, 2002 Wisconsin State Invitational Tournament Championship**

**Clerk's Report** - No Report

**Council President's Report** - No Report

**Mayor's Report** - No Report

**City Attorney's Report** - No Report

**COMMUNICATIONS**

**Communications from Louis & Mary Fennig re: Well Problems**

Motion by Alderman Harenda to refer this item to the Utility Committee. Seconded by Alderman Ament and carried unanimously.

**Communications from New Berlin Citizens for Responsible Government re: Park and Open Space Plan** - On File in Clerk's Office

**PLAN COMMISSION**

Alderman Ament reported from the meeting held on July 8, 2002:

**Fountain Square Natural Area - 2951 S. 132 St. - Rezone from P-1 to C-3**

Motion by Alderman Ament to approve the request to rezone the property located at 2951 S. 132<sup>nd</sup> Street from P-1 Park District to C-3 Permanent Open Space/Conservation District and update the Zoning Map for the City of New Berlin subject to the application, plans on file, and to direct the City Attorney to prepare the proper Ordinance. Seconded by Alderman Augustine and carried unanimously.

**Hickory Hills - 14602 W. Beloit Rd. - Rezone from I-1 to RM-1**

Motion by Alderman Ament to schedule a Public Hearing before the Plan Commission on September 9, 2002 at 6:00 p.m. Seconded by Alderman Wilkens and carried unanimously

**BOARD OF PUBLIC WORKS**

Alderman Chiovaturo reported from the meeting held on August 5, 2002

**Developers Agreement - The Victorians of New Berlin**

Motion by Alderman Chiovaturo to approve The Victorians of New Berlin Developer Agreement subject to final review as to form by the City Attorney, and under Item 9C addition of a form of surety instrument obligating the developer to complete the sidepath if required, within one year of completion of Phase II. Seconded by Alderman Harenda and carried unanimously.

**Award of Contract - R-1-02 Pulverizing and Base Patch Repair Project**

Motion by Alderman Chiovaturo to approve award of construction contract for the 2002 Pulverizing and Base Patch Repair Project to the lowest responsive, responsible bidder, Payne & Dolan, Inc., in the amount of \$374,565.45 for Project No. R-01-02. Seconded by Alderman Wilkens and carried unanimously.

**Cost Sharing Agreement - Kelly Point Lift Station**

Motion by Alderman Chiovaturo to approve of the Cost Sharing Agreement of \$20,000, funds to come from the sewer impact fee account, subject to final approval as to form by the City Attorney. Seconded by Alderman Harenda and carried unanimously.

**First Amendment to Preserve at Weatherstone Meadows Development Agreement**

Motion by Alderman Chiovaturo to approve the First Amendment to the Preserve at Weatherstone Meadows Development Agreement subject to final review as to form by the City Attorney. Seconded by Alderman Harenda and carried unanimously.

**STORM WATER COMMITTEE - No Report**

**UTILITY COMMITTEE**

Alderman Gallagher reported from the meeting held on August 7, 2002:

**Consolidation of Funds for Phase II Manhole Rehabilitation**

Motion by Alderman Gallagher to authorize staff to proceed with change order # 1 for Contract A and for Contract B and resultant Contract price adjustments for Kim Construction Company, Inc. for Project K-344 in a net increase amount of \$71,202.40 for Contract A and a net increase amount of \$25,728 for Contract B utilizing approved Contingency funds for project. Seconded by Alderman Harenda and carried unanimously.

**Right of Way for Construction of Well # 11 Pumphouse**

Motion by Alderman Gallagher to amend the scope of Professional Services with the Nicholson Group for support review services and with the Highland Group to incorporate work associated with the negotiation for necessary Rights-of-Way for construction of Well # 11 Pumphouse, the connecting main(s) and an Option-to-Purchase the Marcus-1 Site, previously authorized by Committee and Council, for a not to exceed amount of \$5,000 to be funded by A/C #831.04. Seconded by Alderman Wilkens and carried unanimously.

**Well Head Protection Plan Well # 10**

Motion by Alderman Gallagher to adopt WDNR approved Well Head Protection (WHP) Plan for

Well # 10 dated March 1999 in accordance with Requirements of Administrative Code NR-811.16, and to proceed with adoption of an Ordinance or other appropriate procedure to implement the approved and adopted WHP Plan in accordance with direction and advice of the City Attorney. Seconded by Alderman Harenda and carried unanimously.

### **I & I Flow Monitoring Data**

Motion by Alderman Gallagher to approve a Professional Services Agreement with R.A. Smith & Associates, Consulting Engineers, for detailed analyses of Flow Monitoring Data being collected by the Utility to identify and quantify the Infiltration and Inflow for selected tributary areas within the sewer system using available rainfall data for Project #K-354 for a cost not to exceed \$18,250 to be funded by Wastewater Utility Account # 831.04. Seconded by Alderman Harenda and carried with Aldermen Augustine, Gallagher and Ament voting “no”.

### **Well # 11- Consolidation of Total Project Funds**

Motion by Alderman Gallagher to refer this item back to the Utility Committee. Seconded by Alderman Bullermann and carried unanimously.

**LANDMARKS COMMISSION** - No Report

### **SAFETY COMMISSION**

#### **Reduce Speed Limit on Coldspring Road from 124<sup>th</sup> Street to Sunnyslope Road/Resolution No. 02-18 “A Resolution to Reduce the Speed Limit on Coldspring Road from 124<sup>th</sup> Street to Sunnyslope Road”**

Motion by Alderman Chiovatero to lower the speed limit from 35 mph to 30 mph on Coldspring Road from 124<sup>th</sup> Street to Sunnyslope Road. Seconded by Alderman Bullermann and carried with Alderman Gallagher voting present.

Motion by Alderman Chiovatero to adopt Resolution No. 02-18. Seconded by Alderman Wilkens and carried unanimously.

**TECHNOLOGY COMMITTEE** - No Report

### **MAYORAL APPOINTMENTS**

#### **Director of Utilities and Streets**

Motion by Alderman Bullermann to appoint Raymond Grzys to the position of Director of Utilities and Streets effective August 26, 2002, and authorize the following benefits:

- 3 weeks vacation effective January 1, 2003
- Transfer of 50% of sick leave accumulation at the Village of Sussex to be used for retirement purposes only. (Approximately 350 hours)
- Accelerated accumulation of sick leave until the balance of current Sussex accumulation is met. (a total of approximately 700 hours) Accrual to be 16 hours per month vs. the standard 8 hours per month.

Seconded by Alderman Ament and carried unanimously.

**Electrical Review Board**

Motion by Alderman Bullermann to reappoint Robert J. Kutchera and Wayne H. Wielebski to the Electrical Review Board, both with an expiration date of August 31, 2004. Seconded by Alderman Harenda and carried unanimously.

**Fourth of July Commission**

Motion by Alderman Bullermann to reappoint John A. Burke and Carol A. Nowak to the Fourth of July Commission, both with an expiration date of August 1, 2006. Seconded by Alderman Harenda and carried unanimously.

**Housing Authority**

Motion by Alderman Bullermann to reappoint Gregory J. Barker to the Housing Authority, with an expiration date of July 23, 2006. Seconded by Alderman Harenda and carried unanimously.

**ACTION ON PUBLIC HEARINGS/None**

**REFERRALS, DEFERRALS AND TABLED ITEMS**

**Technology Committee** - Future of Technology Committee - TABLED 1-8-02 - No Action

**Technology Committee** - Voice Mail - TABLED 2-12-02 - No Action

**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

**Parks & Recreation Commission** - Adoption of Park and Open Space Plan/Resolution of the City of New Berlin Common Council Adopting the 2002 Park and Open Space Plan for the City - TABLED 6-25-02 - No Action

**CONSENT AGENDA**

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

**MINUTES**

Minutes of the Common Council Meeting held on July 23, 2002

**UTILITY & FINANCE**

**Claims**

Approve payment of Water Utility Claims in the amount of \$162,857.28; Sewer Utility Claims in the amount of \$44,444.95, and Bi-weekly Claims in the amount of \$648,799.76, all of which represents payments to vendors.

**LICENSES**

**Bartender Licenses**

Approve the Bartender Licenses for the year 2002-2004 to Benjamin A. Adams, Angela A. Mack, Nicole M. Muehlenberg, Kaitlin M. Thomas, and Mary J. Thompson.

**MISCELLANEOUS**

**Earth Tech Professional Services Invoices**

Approve payment of Earth Tech Invoices 203600 in the amount of \$4,329.87 and 203882 in the amount of \$6,752.00, for a total of \$11,081.87.

**RESOLUTIONS AND ORDINANCES**

**Ordinance No. 2181 “Lyndenwood Planned Unit Development Overlay District”**

Deputy City Clerk Hoffmann gave the only necessary reading of Ordinance No. 2181.

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

Motion by Alderman Ament to move into Closed Session at 8:20 p.m. Seconded by Alderman Bullermann 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) & (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.

- Joyce Julian Manthey Claim -

- (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.

- Milwaukee Water Negotiations -

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

**OPEN SESSION**

**Possible Action on Joyce Julian Manthey Claim**

Motion by Alderman Chiovatero to recommend to Council to approve the Joyce Julian Manthey Claim in the amount of \$708.98, per the recommendation of City Attorney Mark Blum. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to adjourn the meeting at 10:00 p.m. Seconded by Alderman Wilkens and carried unanimously.

**Nancy Hoffmann**  
**Deputy City Clerk**

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