

**COMMITTEE OF THE WHOLE MEETING**

**7:00 P.M.**

December 10, 2002

**Present:** 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 Finance and Administration Mike Holzinger, Director of Community Development Greg Kessler, Associate Planner David Haines, Associate Planner Nikki Jones, City Engineer JP Walker, Library Director Katie Schulz, Director of Streets, Parks and Recreation Mark Schroeder, Director of Utilities & Streets Ray Gryzs, Director of Emergency Government Scott Schulpius, Police Chief Dan Noordyk, and Police Lieutenant Gary Blunt.

Motion by Alderman Ament to move into Closed Session at 7:02 p.m. Seconded by Alderman Wilkens and carried unanimously.

**CLOSED SESSION**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(e) & (g) 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.
- (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.

- Library Site Analysis and Acquisition -

- Discussion of Legal Expenses -

Motion by Alderman Bullermann to move into Open Session at 8:57 p.m. Seconded by Alderman Augustine and carried unanimously.

**OPEN SESSION**

**Possible Action on Adoption of Library Site Purchase Agreement**

Motion by Alderman Wilkens to approve the purchase agreement with Real Cap LLC for the purchase of 4.21 acres near the intersection of National Avenue and Coffee Road extended, for a total purchase price of \$842,000 subject to the terms of the agreement to the purchase of real estate which is incorporated herein. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wilkens to approve and authorize staff to enter into contracts for site evaluation analysis including soil borings, survey, and environmental assessment if necessary. Seconded by Alderman Bullermann and carried unanimously.

## **UTILITY & FINANCE**

### **Claims**

From November 27, 2002:

Motion by Alderman Bullermann to recommend to Council approval of payment of Water Utility Claims in the amount of \$40,850.34; Sewer Utility Claims in the amount of \$5,346.96, and Bi-weekly Claims in the amount of \$313,707.30, all of which represents payments to vendors. Seconded by Alderman Chiovero and carried unanimously.

For December 11, 2002:

Motion by Alderman Bullermann to recommend to Council approval of payment of Water Utility Claims in the amount of \$74,207.03; Sewer Utility Claims in the amount of \$38,216.96, and Bi-weekly Claims in the amount of \$795,978.36, all of which represents payments to vendors. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to recommend to Council pre-approval of claims. Seconded by Alderman Wilkens and carried unanimously.

## **LICENSES**

### **Bartender Licenses**

Motion by Alderman Ament to recommend to Council approval of the Bartender Licenses for the year 2002-2004 to Richard L. Esser. Seconded by Alderman Chiovero and carried unanimously.

### **Rubbish Collection Licenses**

Motion by Alderman Bullermann to recommend to Council approval of the Rubbish Collection Licenses for the year 2003 to Best Disposal Inc./Curtis Christie, President; Superior of Wisconsin, Inc. An Onyx North America Company/Paul R. Jenks, President; and Waste Management/Sam Phillips, District Manager. Seconded by Alderman Chiovero and carried unanimously.

## **MISCELLANEOUS**

### **Appointment of City Clerk**

Motion by Alderman Wilkens to recommend to Council to confirm Mayor Wysocki's appointment of Marilyn Gauger to the position of City Clerk effective December 30, 2002, and provide for two weeks of paid vacation in 2003. Seconded by Alderman Ament and carried unanimously.

### **Terms of Office and Residency Requirements for Youth Advisory Board Members**

Motion by Alderman Bullermann to recommend to Council approval to extend the existing terms of the Board's members to June 30, 2003, and that term expirations be June 30 of appropriate

year from that point forward. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Bullermann to recommend to Council approval to require that members appointed are attending middle or high school. Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Gallagher to recommend to Council approval to allow a member leaving middle or high school during his/her term to continue serving on the board until said term expires. However, said member may not be reappointed. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Ament to recommend to Council approval to require that members have permanent residence in the City of New Berlin (already required). Seconded by Alderman Chiovatero and carried unanimously.

Motion by Alderman Wilkens to recommend to Council approval to allow a current member who relocates to a nearby community during his/her term to continue serving on the Board until said term expires. However, said member may not be reappointed. Seconded by Alderman Bullermann.

Friendly amendment to include serving on the Board until said term expires, “not to exceed 12 months”.

Upon voting, the motion carried with Aldermen Gallagher and Ament voting “no”.

#### **Appointment of Poll Workers for 2003 and 2004**

Motion by Alderman Gallagher to recommend to Council approval of the Poll Workers per the attached list to Nancy Hoffmann’s memo dated November 25, 2002, for the 2003 and 2004 Elections. Seconded by Alderman Ament and carried unanimously.

#### **Joint Powers Agreement with Muskego for 911 Emergency System/Resolution No. 02-33**

Motion by Alderman Ament to recommend to Council to adopt Resolution No. 02-33 “Resolution Adopting a Joint Powers Agreement for the 911 Emergency System”. Seconded by Alderman Harenda and carried unanimously.

#### **Joint Powers Agreement with Waukesha County for 911 Emergency System**

Motion by Alderman Bullermann to recommend to Council to approve the Joint Powers Agreement - County 911 Emergency System. Seconded by Alderman Ament and carried unanimously.

#### **DNR Brownfield Site Assessment Contract**

Motion by Alderman Bullermann to recommend to Council to approve the contract to hire Giles Engineering Associates, Inc., to assist the City with the 2002 Wisconsin DNR Brownfield Site assessment Grant. Seconded by Alderman Chiovatero and carried unanimously.

**Amendment to New Berlin Community Development Authority By-Laws**

Motion by Alderman Wilkens to recommend to Council to amend Article IV of the CDA by-laws by adding the following appointment terms for the CDA commissioners:

- (a) Two of the commissioners shall be members of the Council and shall serve during their term of office as Council members. The Mayor shall also serve during his/her term of office.
- (b) The first appointments of the 4 non-Council members shall be for the following terms: 1 for one year and one each for terms of 2, 3, and 4 years. Thereafter the terms of non-Council members shall be 4 years and until their successors are appointed and qualified.

Seconded by Alderman Bullermann and carried unanimously.

**Legal Expenses - Outside Legal Services/Resolution No. 02-34 "A Resolution Amending the 2002 City of New Berlin Operational Budget Transferring Funds to the City Attorney Account"**

Motion by Alderman Ament to recommend to Council to adopt Resolution No. 02-34, authorizing the transfer of \$15,000 from the Contingency Fund #616 to City Attorney - Outside Services - Attorney #508-212-01. Seconded by Alderman Bullermann and carried unanimously.

**Legal Expenses - Labor Attorney - Employment Matters/Resolution No. 02-35 "A Resolution Amending the 2002 City of New Berlin Operational Budget Transferring Funds to the Labor Attorney Account"**

Motion by Alderman Ament to recommend to Council to adopt Resolution No. 02-35, authorizing the transfer of \$125,000 from the Contingency Fund #616 to Human Resources - Labor Attorney #504-213. Seconded by Alderman Harenda and carried with Aldermen Wilkens and Chiovatero voting "no".

**2003 CIP Budget**

Director of Finance and Administration Mike Holzinger indicated the CIP budget amount of \$5,618,620.

Motion by Alderman Bullermann to amend the budget to include an amount of \$842,000 identified under Library - 2003 for the Library land site. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Wilkens to authorize the Director of Finance and Administration to sign a Declaration of Intent to borrow money for the 2003 CIP Budget. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Chiovatero to recommend to Council to adopt the Capital Improvement Budget for 2003 as amended, in the amount of \$6,460,620. Seconded by Alderman Bullermann.

Motion by Alderman Chiovatero to amend the budget and include an amount of \$140,600 to the Emergency Government 2003 CIP for upgrade of tornado sirens, subject to no additional impact on the already approved tax rate. Seconded by Alderman Bullermann. Upon voting, the motion failed with Aldermen Bullermann, Wilkens and Chiovatero voting "yes".

Upon voting on the motion as amended, the motion carried unanimously.

**Discussion and Possible Action to Approve Purchase Agreement for Acquisition of the Site for City Well No. 11, as well as Related Access Easements and an Option to Purchase the Site for Proposed City Well No. 12**

Motion by Alderman Gallagher to approve a Purchase Agreement with Stephen Marcus and Diane Gershowitz for the acquisition of 1.0 acres for the construction of Well No. 11 as well as related access easements and an option to purchase the site of proposed Well No. 12, for a total price of \$16,200, subject to the terms of the agreement for purchase of the real estate, and also subject to receipt of acceptable plat for the siting of Utility lines which would be acceptable to staff. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Augustine to adjourn the meeting at 9:50 p.m. Seconded by Alderman Ament and carried unanimously.

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