Proceedings of the Common Council Meeting
April 8, 2003

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, April 8, 2003, at the New Berlin City Hall at 7:45 p.m.

Roll Call: Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens and Ament. Alderman Chiovatero was excused. Also present was City Attorney Mark Blum, City Clerk Marilyn Gauger, Planning Services Manager David Haines, Director of Finance and Administration Mike Holzinger and Division Engineer Eric Nitschke.

Clerk's Report – Earth Day Festival activities are Saturday, April 12 at Calhoun Park from 12-4 with free admission and no registration required. Voter turnout for the April election was 29.4%. Thank you to the Clerk's office staff; the poll workers; the highway personnel and all the school personnel at 4 different schools that are very gracious and helpful to us on Election Day.

Council President's Report - None

Mayor's Report – None

City Attorney's Report - None

REFERRALS, DEFERRALS AND TABLED ITEMS
Ad Hoc Leaf Burning Committee – Implementation of Committee Recommendation – DEFERRED 3-25-03
Motion by Gallagher to refer back to the Ad Hoc Leaf Burning Committee. Seconded by Alderman Bullermann and carried unanimously.

COMMUNICATIONS
Notice of Claim – Scott Sievert
Motion by Alderman Ament to deny this claim per the City Attorney recommendation. Seconded by Alderman Wilkes and carried unanimously.

PLAN COMMISSION /No report
BOARD OF PUBLIC WORKS/No report

STORM WATER COMMITTEE
Urban Nonpoint Source & Storm Water Planning Grant/Resolution No. 03-10
Motion by Alderman Bullermann to adopt Resolution No. 03-10. Seconded by Alderman Ament and carried unanimously.

Urban Nonpoint Source & Storm Water Construction Grant/Resolution No. 03-11
Motion by Alderman Bullermann to adopt Resolution No. 03-11. Seconded by Alderman Wilkens and carried unanimously.

UTILITY COMMITTEE
Change Order Request Water Well Solution Service Group
Motion by Alderman Gallagher to approve two (2) change order requests totaling $4,488.57

($5,488.57 less $1,000.00) for a total contract price of $126,199.57 and to approve a time extension for 57 days for Well #11 to Water Well Solution Service Group, funded by Acct #923.42. Seconded by Alderman Ament and carried unanimously.

Moorland Road Water Main and Sanitary Sewer – ROW Acquisition Plat/Resolution No. 03-15 "Declaration of Public Necessity and Relocation Order for Moorland Road Water Main and Sanitary Sewer in the City of New Berlin, Waukesha County, Wisconsin"
Motion by Alderman Gallagher to table to next meeting in order to be reviewed by Plan Commission. Seconded by Alderman Ament and carried unanimously.

Sewer Capacity Analysis Study for MMSD
Motion by Alderman Gallagher to award the contract for professional services to R.A. Smith for Sewer Capacity Analysis Study of Test Basin #9 for MMSD, at a cost not to exceed $12,000 and be funded by Sewer Acct#831.04. Seconded by Alderman Bullermann and carried with Alderman Ament voting no.

LANDMARKS COMMISSION/No Report
SAFETY COMMISSION/No Report

AD HOC FINANCE COMMITTEE
Resolution No. 03-12 "A Resolution Establishing a Policy for Public Deposits and Investments"
Motion by Alderman Wilkens to adopt Resolution No. 03-12. Seconded by Alderman Augustine and carried unanimously.

Resolution No. 03-13 "A Resolution Designing Public Depositories and Approving Other Financial Institutions for Investments"
Motion by Alderman Wilkens to adopt Resolution No. 03-13 upon removal of "North Shore Bank FSB" from paragraph 3. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS
Board of Appeals
Motion by Alderman Ament to re-appoint Brian W McGrath and Leo F Wallner to Board of Appeals with expiration dates of 4-30-06. Seconded by Alderman Harenda and carried unanimously.

Handicapped Persons Appeals Committee
Motion by Alderman Ament to re-appoint Jack F Chiovatero to Handicapped Persons Appeals Committee with an expiration date of 4-30-04. Seconded by Alderman Harenda and carried unanimously.

Parks & Recreation Commission
Motion by Alderman Ament to re-appoint Nancy A Duff, Paul T Gihring and James J Gradel to Parks and Recreation Commission with expiration dates of 4-30-06. Seconded by Alderman Harenda and carried unanimously.

Police & Fire Commission

Motion by Alderman Ament to re-appoint Kenneth Andries to Police & Fire Commission with an expiration date of 4-30-08. Seconded by Alderman Bullermann and carried with Alderman Wilkens voting no.

Safety Commission
Motion by Alderman Ament to re-appoint Steven R Bartelt and James R Moczydlowski to the Safety Commission with expiration dates of 4-30-05. Seconded by Alderman Harenda and carried unanimously.

Special Assessment Review Committee
Motion by Alderman Ament to appoint Larry W Myers to Special Assessment Review Committee with an expiration date of 4-1-06. Seconded by Alderman Harenda and carried unanimously.

Weed Commissioner
Motion by Alderman Ament to re-appoint Duane Hause as Weed Commissioner with an expiration date of 4-30-04. Seconded by Alderman Harenda and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRAL AND TABLED ITEMS
Revised Ordinance No. 2193 "City of New Berlin Storm Water Management" – TABLED 2-25-03 – No action.
* *

CONSENT AGENDA
Motion by Alderman Ament to approve the following items from the consent agenda. Seconded by Alderman Harenda and carried unanimously.

MINUTES
Approval of Minutes of the Common Council Meetings held on March 25, 2003

UTILITY & FINANCE
Claims
For April 8, 2003:
Approval of Water Utility Claims in the amount of $49,052.54; Sewer Utility Claims in the amount of $11,507.82; and Bi-weekly Claims in the amount of $268,997.86, all of which represents payments to vendors.

Licenses
Approval for Bartender license year 2002-2004 to Thomas Braley, Karen K Danzer, Daniel Duchesneau, Diane M Fisher, Elena A Ivakhnenko, Nadine J Trauth, Diane M Young.

Outdoor Music – Holy Apostles Congregation
Amendment to "Class B" Retailers License for Holy Apostles Congregation, 16000 W National Avenue to have the bands play on Friday, June 20, 2003 to 10:30 p.m. and Saturday, June 21, 2003 to 10:30 p.m. and also allow the carnival rides to be in operation until the above times. Any complaints from neighbors etc that require police response will result in immediate

revocation of this amendment.

MISCELLANEOUS

Resolution No. 03-14 "Resolution for Amendment to the Flexible Benefits Plan of the City of New Berlin"

Adopt Resolution No. 03-14.

* *

RESOLUTIONS AND ORDINANCES

Ordinance No. 2196 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Removing Director of Buildings, Inspection and Zoning, Assistant Director of Planning, Chief Building Inspector, Building Maintenance Manager, Utility Operations Manager and Secretary-Human Resources" (2nd Reading)

Motion by Alderman Bullermann to waive the 3rd reading. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2196. Seconded by Alderman Wilkens and carried unanimously.

Ordinance No. 2197 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Adding Assistant Fire Chief with a Salary Range of 14, Building Maintenance Manager with a Salary Range of 13, IT Manager with a Salary Range of 13, Planning Services Manager with a Salary Range of 13, Inspection Services Manager with a Salary Range of 12, Lead Inspector with a Salary Range of 10, IT Programmer/Analyst with a Salary Range of 9, IT Network Administrator with a Salary Range of 8, IT System Administrator with a Salary Range of 8, and Human Resources/Safety Administrator with a Salary Range of 7", and Human Resources Clerk with a Salary Range of 2 (2nd Reading)

Motion by Alderman Wilkens to waive the 3rd reading. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Wilkens to approve Ordinance No. 2197. Seconded by Alderman Bullermann and carried unanimously.

Ordinance No. 2198 "Ordinance Amending Section 11-7 of the City of New Berlin Municipal Code Removing the Positions of Director of Buildings, Inspection and Zoning, and Director of Information Systems" (2nd Reading)

Motion by Alderman Wilkens to waive the 3rd reading. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Bullermann to approve Ordinance No. 2198. Seconded by Alderman Augustine and carried unanimously.

Ordinance No. 2199 "Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Adding the Positions of Human Resources/Safety Administrator, IT Network Administrator, IT System Administrator, IT Programmer/Analyst, Lead Inspector, Inspection Services Manager, IT Manager and Planning Services Manager" (2nd Reading)

Motion by Alderman Wilkens to waive the 3rd reading. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Gallagher to approve Ordinance No. 2199. Seconded by Alderman Wilkens and carried unanimously.

Ordinance No. 2200 "Ordinance Amending Section 11-5 of the City of New Berlin Municipal Code Removing the Positions of Assistant Director of Planning, Chief Building Inspector, Director of Buildings, Inspection and Zoning, and Secretary-Human Resources" (2nd Reading)

Motion by Alderman Harenda to waive the 3rd reading. Seconded by AldermanWilkens and carried unanimously.

Motion by Alderman Wilkens to approve Ordinance No. 2200. Seconded by Alderman Augustine and carried unanimously.

Ordinance No. 2201 "Ordinance Amending Section 11-19(C)(1) of the City of New Berlin Municipal Code Renaming Director of Streets, Parks and Recreation to Director of Forestry, Parks and Recreation, and Renaming Director of Finance and Utilities to Director of Finance and Administration" (2nd Reading)

Motion by Alderman Harenda to waive the 3rd reading. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Gallagher to approve Ordinance No. 2201. Seconded by Alderman Harenda and carried unanimously.

CLOSED SESSION
City Clerk Gauger read the following:

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.

- Steffes Construction

(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.

- Library Purchase

CLOSED SESSION
Motion by Alderman Wilkens to go to Closed Session at 9:35 PM. Seconded by Alderman Harenda with voting as follows: Alderman Bullermann – yes; Alderman Augustine – yes; Alderman Gallagher – yes; Alderman Harenda – yes; Alderman Wilkens – yes; and Alderman Ament – yes. Roll Call vote carried unanimously.

OPEN SESSION
Motion by Alderman Wilkens to reconvene in Open Session at 10:00 PM. Seconded by Alderman Ament and carried unanimously.

Possible Action on Amended Library Purchase with New Berlin Commercial Center, LLC
Motion by Alderman Wilkens to adopt the amended Library Purchase Agreement. Seconded by Alderman Bullermann and carried unanimously.

ADJOURN
Motion by Alderman Bullermann to adjourn the meeting at 10:05 p.m. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted as City Clerk:

Marilyn Gauger, CMC

Mg