

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, May 25, 2010**

Mayor Jack F. Chiovatero called the City of New Berlin Common Council Meeting to order at 8:12p.m. after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, Moore and Ament. Also present were: City Clerk Kari Morgan, City Attorney Mark Blum, Park & Rec. Director Mark Schroeder, and City Engineer J.P. Walker.

Those present recited the Pledge of Allegiance and stood for a moment of silence.

This meeting was noticed on May 6, 2010 in accordance with the Open Meeting Law.

REPORTS

City Clerk – No report.

Council President – Council President Harenda acknowledged the annual safety Saturday held and thanked Children's Hospital for the location use and all the volunteers. He also recognized five firefighters from New Berlin's Fire Department that engaged in the 2010 flight for air climb to raise money for the fight against lung cancer.

Mayor – No report.

City Attorney – No report.

BOARD OF PUBLIC WORKS

- **(BPW 11-10) Approval of the 2010 Roadway Maintenance Crack Sealing Contract**
Motion by Alderman Ament to recommend to the Common Council the awarding of a Construction Contract to the lowest responsive, responsible bidder, Interstate Sealant & Concrete, Inc., for the 2010 Roadway Maintenance Joint, Crack Cleaning & Sealing Project in an amount of \$156,091.50, with inspection not to exceed total project costs of \$172,941.50. Seconded by Alderman Wysocki.

Alderman Ament amended his motion to include that the funds will come from the 2010 Roadway Maintenance Account 15110029. Seconded by Alderman Wysocki and amendment carried unanimously.

Motion as amended carried unanimously.

UTILITY COMMITTEE

- **(UT 11-10) Approve Contract for the Abandonment of Well No. 3**
Motion by Alderman Harenda to recommend to Common Council to award the contract for Well No. 3 abandonment to Water Well Solutions in the amount of \$47,293. Funds will be borrowed from Wastewater. Seconded by Alderman Ament and carried unanimously.
- **(UT 12-10) Approve Contract for the Abandonment of Well No. 7**
Motion by Alderman Harenda to recommend to Common Council to award the contract for Well No. 7 abandonment to Water Well Solutions in the amount of \$49,143.00. Funds will be borrowed from Wastewater. Seconded by Alderman Liska and carried unanimously.
- **(UT 13-10) Approve a \$1,700,000, 9 year loan to the utility, interest rates from 2 to 4.5%. Proceeds to fund Parkland Green construction & Wells No. 3 & No. 7**
Motion by Alderman Harenda to approve a \$1,700,000, 9 year loan to the Utility, interest rates from 2 to 4.5%. Proceeds to fund Parkland Green construction, & Wells No. 3 and No. 7 abandonment. Seconded by Alderman Wysocki and carried unanimously.

PARKS, RECREATION & FORESTRY

- **Award Contract for purchase of playground equipment for Valley View and Calhoun Parks**

Motion by Alderman Moore to award the playground equipment contracts for Calhoun Park to Gerber Leisure Products at a cost not to exceed \$39,998 and for Valley View Park East to Miller & Associates at a cost not to exceed \$34,961. Monies to come from 2010 CIP Account #04059100-61101. Seconded by Alderman Harenda and carried unanimously.

- **Approval of the Option to Extend the Addendum to Lease Agreement with Johnson Sand & Gravel for Quarry Park.**

Motion by Alderman Moore to approve exercising the option to extend the Addendum to Lease Agreement between the City of New Berlin and Johnson Sand & Gravel for Quarry Park for a 1-year period to December 31, 2011 and to direct the City Attorney to prepare the appropriate legal documents. Seconded by Alderman Hopkins.

Discussion regarding the continuation of the annual payment being included in the extension as well as the condition of the buildings and the concern for not utilizing the buildings for city storage.

Motion carried with Alderman Ament opposing.

MAYORAL APPOINTMENTS

- **Board of Review**

Motion by Alderman Wysocki to reappoint Jerome Hudy to the Board of Review with a term expiring 05/31/2015. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to reappoint Donald Starr to the Board of Review with a term expiring 05/31/2015. Seconded by Alderman Hopkins and carried unanimously.

- **Community Development Authority**

Motion by Alderman Hopkins to reappoint John Fillar to the Community Development Authority with a term expiring 05/31/2014. Seconded by Alderman Wysocki and carried unanimously.

- **Police & Fire Commission**

Motion by Alderman Moore to appoint George Moore to the Police & Fire Commission with a term expiring 04/30/2015. Seconded by Alderman Liska. Motion dies with Aldermen Hopkins, Wysocki, Seidl, Harenda and Ament opposing.

Motion by Alderman Moore to appoint Rush Wilkens to the Police & Fire Commission with a term expiring 04/30/2014. Seconded by Alderman Liska. Motion dies with Aldermen Hopkins, Wysocki, Seidl, Harenda and Ament opposing.

Discussion on reasons why these appointments were not approved as well as a request for suggestions from Aldermen on others that could be appointed to the Police & Fire Commission since there are currently two vacancies.

DEFERRED, REFERRED & TABLED ITEMS

Ordinance No. 2413 Ordinance to Amend Section 152-10 Regarding the Regulation and Licensing of Dogs (3rd reading) 11-19-09 TABLED, 12/8/09 NO ACTION; REFERRED TO SAFETY COMMISSION, 5/11/10

Recommend to Common Council the use of abbreviated minutes and electronic, paperless packets for selected committees, boards and commissions. DEFERRED 4/27/10; DEFERRED 5/11/10; Motion by Alderman Hopkins to table this issue. Seconded by Alderman Seidl and carried unanimously.

CONSENT AGENDA Motion by Alderman Ament to approve the consent agenda. Seconded by Alderman Moore and carried with Alderman Wysocki abstaining.

MINUTES – Common Council Minutes from May 11, 2010

UTILITY AND FINANCE

Claims

For: May 26, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$95,504.18, Sewer Utility claims in the amount of \$39,237.75, and Bi-weekly claims in the amount of \$820,413.08.

LICENSES/PERMITS

Bartenders

Bartender License for the year 2010-2011 to Jeanette Ruplinger.

Bartender Licenses for the year 2010-2011 for Josh Bogee, Lauren Crowley, Luke Walsgrove and John Schneider.

Extension of Premise Permit

- Mustang Shelly's Roadhouse, 18540 W. National Avenue for Friday, June 11th from 11:00am–10:00pm, Saturday, June 12th from 9:00am-10:00pm & Sunday, June 13th from 10:00am-8:00pm for 50'x30' tent off back of building with outside seating for eating/drinking.

Massage Establishment Permit

- Steven Gengler for Steven Edwards Color Group, 3850 S. Moorland Rd.

MISCELLANEOUS

- Request that Common Council direct the New Berlin Planning Commission and staff to provide an update on the current status of the Overall City Center PUD and its relationship to the original PUD approved by Council.

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ITEM/S REMOVED FROM CONSENT AGENDA: None.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:40PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:
Kari Morgan
City Clerk