

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, June 23, 2009**

**Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.**

Mayor Jack F Chiovaturo called the City of New Berlin Common Council Meeting to order at 7:52 PM after the City's 50<sup>th</sup> Anniversary recognitions, Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, and Ament. Excused: Aldermen Moore and Poshepny. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, City Engineer JP Walker and Human Resource Director Tami Potkay.

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

***This meeting was noticed on Friday, June 19, 2009 and amended on Friday, June 19, 2009 in accordance with the Open Meeting Law.***

### **REPORTS**

City Clerk - none

Council President – Alderman Harenda read a report from the Streets Department regarding the flooding clean up operation. If you still need assistance call 262-780-4609. He indicated the Stormwater committee (known as Water Resource Management committee) will meet to get resolution to the flooding. The City is going through the transition to Lake Michigan water. Our IT Director Nick Roethel was presented the John Bauer Award (employee of the year) by Mayor Chiovaturo.

Mayor – Mayor Chiovaturo is trying to identify the cause and solution of the flooding. He indicated the Council will visit the sites where damage occurred and will make it a priority.

City Attorney - none

### **COMMUNICATIONS**

#### **Sue Callies Claim**

Mayor Chiovaturo referred to City Attorney Blum.

### **BOARD OF PUBLIC WORKS**

#### **Presentation by City Engineer JP Walker on road project time schedules**

City Engineer JP Walker presented the Council with an overview of a spreadsheet used to track road projects. He indicated the City follows the process used by the DOT which is Year 1 look at design, Year 2 look at ROW acquisition and then Year 3 the construction phase. If ROW acquisition is not needed, the city will go right to the construction phase if it fits into the city's CIP budget which requires Council approval.

The city has 3 projects that are eligible for the STP grant funding dollars which is an approximate 80% match from the State. These 3 projects will be ready for construction phase in 2010 and will be part of the 2010 CIP budget request. Sometimes projects get re-prioritized due to the grant requirements. We prioritize projects with the Pavement Evaluation Rating System. In the odd numbered years, the city will receive \$105,000 of Local Roads Improvement Program (LRIP) grant funds this year to be used for the southern part of Calhoun Road, south of Beloit Road. Staff will apply for the LRIP grant with the funds to be applied to the rehabilitation of Martin Road in 2011. Another road that could apply in 2013 could be Coffee Road, west of Calhoun Road. The city has under their jurisdiction more than 220 miles of roadways. It cost approximately \$300,000 per mile to rehab a road. At a previous Council meeting, an Alderman asked what level of funds would it take to achieve a weighted average of 60.0 in the Pavement Evaluation Rating System. The City Engineer repeated it would take approximately \$4 million per year for a number of years to achieve that goal.

### **SAFETY COMMISSION**

#### **Resolution No. 09-15 Resolution To Change Parking Restrictions On Parkside Drive From Brookside Parkway To Lincoln Avenue And Lynwood Court From Parkside Drive To 150 Feet West**

Motion by Alderman Wysocki to approve Resolution No. 09-15. Seconded by Alderman Hopkins and carried unanimously.

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**UTILITY COMMITTEE**

**Contract with Single Source Inc for appraisal, negotiation & acquisition of the easement for the sanitary sewer liftstation at Geipel property.**

No action taken at committee.

**Resolution No. 09-16 approving the Sanitary Sewer Service Agreement with the NB School District for West HS as well as a permanent sanitary sewer easement with the NB School District for the West HS private sanitary sewer force main.**

No action taken at committee.

**Request to MMSD to amend the MMSD sewer service boundary to include the New Berlin West High School campus.**

No action taken at committee.

**Resolution No. 09-17 Amending the Urban Sewer Service Area Boundary to include the New Berlin West High and Middle School property at 18695 W. Cleveland Ave.**

No action taken at committee.

**Construction Contract for Sanitary Sewer Rehabilitation Deer Creek Interceptor with Visu-Sewer Clean & Seal Inc.**

Motion by Alderman Harenda to approve the Construction Contract for Sanitary Sewer Rehabilitation Deer Creek Interceptor with Visu-Sewer Clean & Seal Inc., in the amount of \$266,296.00 for a total project cost not to exceed \$292,925.60. Seconded by Alderman Wysocki and carried unanimously.

**Adopt Ordinance No. 2410 to Repeal & Recreate Section 267-3(C)(1) regarding Sewer Service Charges.**

Motion by Alderman Harenda to adopt Ordinance No. 2410. Seconded by Alderman Wysocki.

*Note: City Attorney Blum indicated this is the 1<sup>st</sup> reading of the ordinance therefore the above motion was not acted on.*

**MAYORAL APPOINTMENTS**

Motion by Alderman Ament to approve the **Youth Advisory Board** appointment of Tong Wang with a term expiring 5-31-2010. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Hopkins to approve the **Library Board** appointment of Dianne Carr with a term expiring 6-30-2012. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Ament to approve the **Library Board** appointment of Deborah Stelzner with a term expiring 6-30-2012. Seconded by Alderman Wysocki and carried unanimously.

**DEFERRED, REFERRED & TABLED ITEMS**

**Resolution amending the Urban Sewer Service Area Boundary to include the New Berlin West High & Middle School/TABLED 5-12-09 FROM PLAN COMMISSION TO RECEIVE RECOMMENDATION FROM UTILITY COMMITTEE**

No action taken.

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**CONSENT AGENDA**

Motion by Alderman Seidl to approve all of the following items listed. Seconded by Alderman Ament and carried unanimously.

**UTILITY AND FINANCE**

**Claims**

- Water Utility claims in the amount of \$81,943.21, Sewer Utility claims in the amount of \$439,412.19, of that amount \$419,724.97 represents payment to MMSD and Bi-weekly claims in the amount of \$369,097.73, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- 2009-2011 Bartender License for Amanda Dziennik, Jesse Grosskreutz, Lea Sprague, Samantha Dyszelski, Constance Mielke, Shelly Perkins and Linda Wangard.
- Bartender License Renewals for the year 2009-2011 to Christopher Bean, Marc Benkowski, Richard Bradley, Danielle Burke, Brenna Coleman, Carrie Garnier, Bradley Goss, Nicholas Guida, Alison Ippolite, Charanjeet Kaur, Katy Kazik, Krystal Murphy, Kevin Nerat, Mia Paeske, Julie Peltonen, Amy Radtke, Skyler Peterson, Joanne Reimer, Shannon Spatzek and Eric Walker.

**“Class B” Liquor from 7-1-2009 to 6-30-2010**

- Vasilike Triantafillou, Agent for The Peachtree Family Restaurant (formerly Scorpios) at 15445 W. National Avenue.

**Extension of Premise**

- Michael Teipner, Agent for The Varsity Club at 12400 W Beloit Road for extension of premise from June 1 to November 30 from 10AM to Sunset daily.

**MISCELLANEOUS**

- Amend Section 121-3 and create 121-4 of the Municipal Code of the City of New Berlin to conform to Wisconsin State Statutes regulating the carry of firearms/Police Chief Rieder
- Amend Section 184-11 of the Municipal Code of the City of New Berlin to conform to Wisconsin State Statutes regulating the carry and discharge of firearms/Police Chief Rieder
- Approve two (2) day mandatory furloughs which will shut down all City Department operations on July 6 and September 4 for all non-sworn personnel which will not affect protective services/*4 days were approved to be used at the Mayor’s discretion.*
- Possible discussion and update on current 2009 budget/*No action taken.*

**DEFERRED, REFERRED & TABLED ITEMS**

None.

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**MINUTES - Common Council minutes from June 9, 2009**

Motion by Alderman Wysocki to amend the June 9, 2009 Council minutes by adding comments made by the Aldermen regarding the Mayor’s veto of the two-lane Calhoun Road Reconstruction Project known as 2009-A. Seconded by Alderman Ament and carried unanimously.

**ORDINANCES/RESOLUTIONS**

None.

*City Clerk Gauger read the following:*

**CLOSED SESSION**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (c) (d) and (g) of the Wisconsin State Statutes.

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(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

(d) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically:

- Union labor negotiations and contracts
- Negotiation strategies for Poplar Creek Interceptor Agreement with the City and Town of Brookfield

(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, more specifically:

- State of Wisconsin Radium Consent Order Claim
- Marisol Sanchez Claim
- Release and Settlement Agreement with Time Warner Cable

Motion by Alderman Seidl to go to Closed Session at 8:18 PM. Seconded by Alderman Hopkins and carried unanimously by roll call vote.

**RECONVENE TO OPEN SESSION**

Motion by Alderman Wysocki to reconvene into Open Session at 9:11 PM. Seconded by Alderman Hopkins and carried unanimously.

**Discussion and possible action on the Marisol Sanchez Claim.**

Motion by Alderman Wysocki to deny the Marisol Sanchez Claim. Seconded by Alderman Seidl and carried unanimously.

**Discussion and possible action on Release and Settlement Agreement with Time Warner Cable.**

Motion by Alderman Hopkins to approve the Release and Settlement Agreement with Time Warner Cable. Seconded by Alderman Seidl and carried unanimously.

**Discussion and possible action on the Poplar Creek Interceptor Agreement.**

No action taken.

**ADJOURN**

Motion by Alderman Seidl to adjourn at 9:12 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted

Marilyn Gauger, MMC/WCPC  
City Clerk