

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, May 26, 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 8:21 PM after the 2008 Audit presentation, Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda and Ament. Excused: Alderman Moore and Alderman Poshepny. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Human Resources Tami Potkay, Police Chief Joe Rieder and City Engineer JP Walker.

Those present recited the Pledge of Allegiance and Mayor Chiovaturo asked that we stand for a moment of silence.

This meeting was noticed on Friday, May 22, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none

Council President – Congratulations on another successful “Safety Saturday”. Thank you to our police, fire and members of the Crime Prevention Committee and to Target. Also the City’s Annual Report generated by the Finance Department is available at City Hall and the Library with lots of valuable information about the City.

Mayor - none

City Attorney - none

COMMUNICATIONS

None.

BOARD OF PUBLIC WORKS

Construction Contract to the lowest responsive, responsible bidder, *Precision S/C Inc* for the 2009 Roadway Maintenance Joint, Crack Cleaning & Sealing Project

Motion by Alderman Ament to approve the Construction Contract to the lowest responsive, responsible bidder, *Precision S/C Inc* for the 2009 Roadway Maintenance Joint, Crack Cleaning & Sealing Project in an amount of \$100,475.46 with not to exceed amount of \$129,500. Seconded by Alderman Seidl and carried unanimously.

Two-lane road design identified as the “2009-A Plan” per the specifications in the RAS to improve the roadway drivability and safety on *Calhoun Road*

Motion by Alderman Ament to approve a Two-lane road design identified as the “2009-A Plan” per the specifications in the RAS to improve the roadway drivability and safety on *Calhoun Road* with a conceptual construction estimate not to exceed \$4.88 million and increase the Design Contract amount by \$5,500 for the Consultant to prepare documents and conduct a neighborhood meeting, if need. Funding to come from CIP Design Account. Seconded by Alderman Seidl and carried unanimously.

PLAN COMMISSION

Small Grants Program Grant for 09-07 the New Berlin AFS

Motion by Alderman Ament to approve the Small Grants Program Grant for 09-07 the New Berlin AFS (formally the American Field Service) Chapter in the amount of \$9,050. Seconded by Alderman Harenda and carried unanimously.

Small Grants Program Grant for 09-08 the New Berlin Historical Society

Motion by Alderman Ament to approve the Small Grants Program Grant for 09-08 the New Berlin Historical Society in the amount of \$1,200 for the Wisconsin Trails ad only. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

City of Muskego regarding the Linnie Lac Sewer Service Agreement

No action taken at the Utility Committee.

Construction contract for Calhoun Road and North Lane Water Main Extensions

Motion by Alderman Harenda to approve the Construction contract for Calhoun Road and North Lane Water Main Extensions to the lowest responsive and responsible bidder, *UPI Construction of New Berlin*, in the amount of \$170,435.00 with an additional \$17,043.50 for legal and administrative costs, inspection services and contingencies for a total project cost not to exceed \$187,478.50. Source of funds: Water Utility Account. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS

Weed Commissioner

Motion by Alderman Ament to appoint Jeffrey T Slicker for a term expiring 4-30-2010. Seconded by Alderman Hopkins and carried unanimously.

Electrical Review Board

Motion by Alderman Seidl to appoint Telesfore Wysocki for a term expiring 4-30-2011. Seconded by Alderman Hopkins and carried unanimously.

Community Development Authority

Motion by Alderman Seidl to appoint Kenneth Harenda II for a term expiring 4-30-2011. Seconded by Alderman Hopkins and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

None.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from May 12, 2009

UTILITY AND FINANCE

- Water Utility claims in the amount of \$38,112.53, Sewer Utility claims in the amount of \$18,528.21 and Bi-weekly claims in the amount of \$1,009,579.05, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2008-2010 to Paul J. Gallas, Jessica Olszewski, Ashley M. Batzner, Noelle J. Jones, Robin M. Holmes and Patricia A. Multari.

MISCELLANEOUS

- Recommendation from Fire Chief Dobernig for a Fireworks Permit to the City of New Berlin 4th of July Commission.
- Resolution No. 09-12 A Resolution To Transfer Funds From The Contingency Account to Various Wage and Benefit Accounts.
- Presentation regarding the cost of replacing our CAD/RMS system/Police Chief Rieder.
- Possible discussion and update on current 2009 budget/Mayor Chiovaturo

DEFERRED, REFERRED & TABLED ITEMS

- Direct the BPW to work with staff and consultant on the 2-lane road design identified as the "2009-A Plan" per the specifications below in order to improve the roadway drivability and safety on Calhoun Road. The BPW to report back to the Common Council within 60 days/Aldermen Ament and Seidl/REFERRED TO BPW/3-24-09/Removed from the agenda.

ITEM/S REMOVED FROM CONSENT AGENDA

None.

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.

(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

(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:

- Barrett Landfill vs. City of New Berlin
- New Berlin Heating and Air Conditioning Judgment
- Ellen Marine Claim

Motion by Alderman Seidl to go to Closed Session at 8:56 PM. Seconded by Alderman Hopkins and carried unanimously per roll call vote.

Motion by Alderman Seidl to reconvene in Open Session at 9:45 PM. Seconded by Alderman Wysocki and carried unanimously.

RECONVENE TO OPEN SESSION

Discussion and possible action on Barrett Landfill vs. City of New Berlin

No action taken.

Discussion and possible action on the New Berlin Heating and Air Conditioning Judgment

No action taken.

Discussion and possible action on the Ellen Marine Claim

Motion by Alderman Harenda to deny the claim. Seconded by Alderman Seidl and carried unanimously.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:46 PM. Seconded by Alderman Wysocki and carried

unanimously.

Respectfully submitted

Marilyn Gauger, MMC/WCPC
City Clerk