

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, April 28, 2009**

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

Mayor Jack F Chiovero called the City of New Berlin Common Council Meeting to order at 9:21 PM after Citizen of the Year Award, Committee of the Whole and Privilege of the Floor.

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

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

This meeting was noticed on Thursday, April 23, 2009 and amended on Monday, April 27, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk – Municipal Clerks Week is May 3 thru May 9 which recognizes all clerks, internationally. The Office of the Municipal Clerk serves as the information center of local government and community and is the oldest profession among public servants.

I want to take this opportunity to thank the ladies in the City Clerk's office who have pledged to serve, pledged to be neutral and impartial while rendering equal service to all. Christine Stefanich and Sherri Schulpius are articulate; they are professional and put our internal and external customers first. Thank you ladies!

Council President - There is a Special Committee of the Whole meeting regarding the 2010 budget on Thursday, May 7 at 6:00 PM. The City of New Berlin Inspection's Division is hosting an Open House on April 29 and April 30 from 6 to 8 PM with guest speakers.

Mayor – reminded Council members of the budget meeting on May 7th.
City Attorney - none

COMMUNICATIONS

David A Kuemmel & Robert Cesarec Claims

Mayor Chiovero referred both claims to City Attorney Blum.

BOARD OF PUBLIC WORKS

Development Agreement for the public improvements associated with the extensions of Deer Creek Parkway and Library Lane

Motion by Alderman Moore to approve the Development Agreement for the public improvements associated with the extensions of Deer Creek Parkway and Library Lane. Seconded by Alderman Hopkins and carried unanimously.

Award of the Real Estate Acquisition Services Contract to the lowest responsible, responsible bidder, Single Source, Inc for the Lincoln Avenue Project in a not to exceed amount of \$71,000.00

Motion by Alderman Moore to award the real estate acquisition services contract to Single Source, Inc for the Lincoln Avenue Project in a not to exceed amount of \$71,000.00. Seconded by Alderman Hopkins and carried unanimously.

Resolution No. 09-10 Relocation Order for 124th Street from Grange Avenue to Coldspring Road including a portion of Grange Avenue from St Mary's Drive to the centerline of South 124th Street

Motion by Alderman Moore to approve Resolution No. 09-10. Seconded by Alderman Wysocki and carried with Alderman Seidl abstaining.

UTILITY COMMITTEE

Amendment to the current Ruekert & Mielke contract for the Milwaukee water project for an additional \$16,900 to cover costs associated with the diversion application and additional information requested by the DNR

Motion by Alderman Harenda to approve the Amendment to the current Ruekert & Mielke contract for the Milwaukee water project for an additional \$16,900 to cover costs associated with the diversion application and

additional information requested by the DNR. Seconded by Alderman Hopkins and carried unanimously.

Construction contract for Filter Grange & Greenridge pumping Stations and Wells 3, 7 & 8 Pump, Piping and Electrical Modifications to the lowest responsive, responsible bidder J.F. Ahern Company in the amount of \$237,000 for a total project cost not to exceed \$247,000. This contract is contingent on DNR and PSC approval of the project.

Motion by Alderman Harenda to approve the Construction contract for Filter Grange & Greenridge pumping Stations and Wells 3, 7 & 8 Pump, Piping and Electrical Modifications to the lowest responsive, responsible bidder J.F. Ahern Company in the amount of \$237,000 for a total project cost not to exceed \$247,000. This contract is contingent on DNR and PSC approval of the project. Bids are valid for a period of 90 days after opening, or until May 21, 2009. Seconded by Alderman Ament and carried unanimously.

Contract for Well No. 11 Wellhouse Demolition to the lowest responsive and responsible bidder, Schaefer Snowplowing & Grading, LLC of Muskego, in the amount of \$12,910.00

Motion by Alderman Harenda to approve the Contract for Well No. 11 Wellhouse Demolition to the lowest responsive and responsible bidder, Schaefer Snowplowing & Grading, LLC of Muskego, in the amount of \$12,910.00. Seconded by Alderman Wysocki and carried unanimously.

Resolution No. 09-11 Resolution Reaffirming the City's Commitment To Water Conservation

Motion by Alderman Harenda to approve Resolution No. 09-11. Seconded by Alderman Hopkins and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

None.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from April 14, 2009

UTILITY AND FINANCE

- Water Utility claims in the amount of \$37,315.00, Sewer Utility claims in the amount of \$69,045.32 and Bi-weekly claims in the amount of \$293,024.93, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2008-2010 to Jack Russell, Gregg Tacke, Mary Schmitt, Bonnie Meredith, and Leonna Roth.

MISCELLANEOUS

- Resolution No. 09-09 A Resolution Amending the 2009 City of New Berlin Operational Budget To Increase the Election Supplies Expenditure Account Within the City Clerk's Budget.
- Limit the term of Council President to two (2) years in any given five (5) year period/FAILED
- Election of Council President per Council Rule 15.
- Election of Council representative to Plan Commission pursuant to State Statute 62.23 (1) (a); City Code Section 275.15 (b) (3) and Council Rule 16.
- Set a Public Hearing for Monday, June 2, 2009 at 6:01 PM to be held before the Plan Commission for Mr. Wade who has filed a petition to rezone the property located at approximately 13700-13900 W National Avenue and 13755 W. Fieldpointe Drive from I-1 and I-1/PUD to I-1PUD.

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.
- Resolution No. 09-08 Resolution To Release Restriction on Certified Survey Map No. 8968 (GS Enterprise NA LLC at 5050 Towne Drive) Pursuant to Wisconsin Statutes Section 236.293/DEFERRED 4-14-09/APPROVED

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ITEM/S REMOVED FROM CONSENT AGENDA

Use of old Fire Station #3 at 19885 W. National Avenue as part of the Historic Park and to direct the City Attorney to draft an agreement for ongoing operation and maintenance of the building as part of the historical park

Motion by Alderman Ament to use old Fire Station #3 at 19885 W. National Avenue as part of the Historic Park and to direct the City Attorney to draft an agreement for ongoing operation and maintenance of the building as part of the historical park. Seconded by Alderman Seidl and carried unanimously.

Agreement with Waukesha County municipalities for the purpose of resource sharing in the event of a major emergency or disaster response and recovery effort.

Motion by Alderman Hopkins to approve the agreement with Waukesha County Municipalities. Seconded by Alderman Moore 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.

(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:

- Teamster Union
- Fire Union

(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
- Robert Cesarac Claim

Motion by Alderman Seidl to go to Closed Session at 9:41 PM. Seconded by Alderman Moore and carried unanimously per roll call vote.

Motion by Alderman Wysocki to reconvene in Open Session at 10:10 PM. Seconded by Alderman Seidl and carried unanimously.

RECONVENE TO OPEN SESSION

Discussion and possible action regarding status of well fund stipulation/Barrett

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 10:12 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted

Marilyn Gauger, MMC/WCPC
City Clerk