

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, January 8, 2008**

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

Mayor Jack F Chiovatero called the City of New Berlin Common Council Meeting to order at 7:42 PM after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Augustine, Harenda, Poshepny, Moore and Ament. Excused: Alderman Seidl. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Finance Director Mike Holzinger, Police Chief Joe Rieder, Parks, Recreation and Forestry Director Mark Schroeder, City Engineer JP Walker, IT Director Nick Roethel, Streets Supervisor Don Ullman and Fire Chief Ed Dobernig.

Those present recited the Pledge of Allegiance.

***This meeting was noticed on Friday, January 4, 2008 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk - There is no Aldermanic Primary for the February 19, 2008 Election.

Council President - none

Mayor – Happy New Year to everyone.

City Attorney - none

**COMMUNICATIONS**

**Walter Bartaczewicz Claim**

Referred to City Attorney.

**Rick Blommer Claim**

Referred to City Attorney.

**New Berlin Automotive Claim**

Referred to City Attorney.

**MAYORAL APPOINTMENTS**

**Communications Committee**

Motion by Alderman Ament to approve the re-appointment of Kris Scalzo with term expiring 12-31-2008. Seconded by Alderman Harenda and carried unanimously.

**Finance Committee**

Motion by Alderman Augustine to approve the re-appointment of Daniel T. Lavinio with term expiring 1-9-2009. Seconded by Alderman Ament and carried unanimously.

**2008 CIP BUDGET – Discussion and possible action**

Motion by Alderman Ament to increase the Design component of Coffee Road by \$70,000 thereby totaling \$220,000. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Moore to approve the 2008 CIP budget at \$4,087,164.00. Seconded by Alderman Hopkins and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07**

This item remained on the table.

**Resolution #07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07**

This item remained on the table.

**Agreement for Use of School Facilities – New Berlin School District/DEFERRED 11-27-07**

This item remained on the table.

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**Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal - 3rd reading and TABLED 12-11-07**

This item remained on the table.

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**CONSENT AGENDA**

Motion by Alderman Ament to approve all of the following items listed on the Consent Agenda. Seconded by Alderman Moore and carried unanimously.

**MINUTES** - Common Council minutes from December 11, 2007

**UTILITY AND FINANCE**

**Claims**

For: December 26, 2007

- Water Utility claims in the amount of \$47,684.74, Sewer Utility claims in the amount of \$324,761.26, of that amount \$314,363.32 represents payment to MMSD, and Bi-weekly claims in the amount of \$574,117.34, all of which represents payment to vendors. Tax overpayments in the amount of \$24,766.48 were also generated.

For: January 9, 2008

- Water Utility claims in the amount of \$16,533.42, Sewer Utility claims in the amount of \$39,041.80 and Bi-weekly claims in the amount of \$519,699.44, all of which represents payment to vendors. Tax overpayments in the amount of \$39,191.23 were also generated.

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for 2006-2008 to Steven Schoenke, Narpinder Mann, David Pankow, Jessica Rauter, Bhagwant Ghuman, Janelle Stoltz and Carlee Lehmann.

**MISCELLANEOUS**

**Outdoor Music - St Elizabeth Ann Seton Church Festival**

- Friday, July 25 from 5PM to 11PM; Saturday, July 26 from 5PM to 11PM and Sunday, July 27 from Noon to 7PM.

**Set Plan Commission Public Hearing**

- Set a Public Hearing for February 4, 2008 at 6:00 PM to be held before the Plan Commission for Mr. Fisher who has filed a petition to rezone the property located at approximately 20050 W. Lincoln Ave. from M-1 to M-1 and C-2.

**DEFERRED, REFERRED & TABLED ITEMS**

- Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/TABLED 11-14-06

*This item remained on the table.*

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**ITEM/S REMOVED FROM CONSENT AGENDA**

- **Bartender License for 2006-2008 to Samuel Guerrero.**

Motion by Alderman Hopkins to approve Bartender License for 2006-2008 to Samuel Guerrero. Seconded by Alderman Ament and carried with Alderman Moore voting no.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2344 To Create Section 6-19 Boards, Commissions And Committees Of The Municipal Code Of The City Of New Berlin For The City Of New Berlin Board Of Absentee Ballot Canvassers**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading.

Motion by Alderman Harenda to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Seconded by Alderman Ament and carried unanimously.

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Motion by Alderman Ament to adopt Ordinance No. 2344. Seconded by Alderman Hopkins and carried unanimously.

**Resolution No. 08-01 Resolution Approving Payment For Election Inspectors/Officials**

Motion by Alderman Ament to approve Resolution No. 08-01. Seconded by Alderman Poshepny and carried unanimously.

**Resolution No. 08-02 Resolution To Establish Annual Nonrefundable License Application Fee For Weights And Measures**

Motion by Alderman Ament to approve Resolution No. 08-02. Seconded by Alderman Hopkins and carried unanimously.

**Resolution No. 08-03 Resolution To Accept The Department Of Homeland Security, Emergency Preparedness And Response Directorate Assistance To Firefighters Grant Award And Transfer The Non-Federal Share From Contingency Account**

Motion by Alderman Ament to approve Resolution No. 08-03. Seconded by Alderman Moore and carried unanimously.

**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) (e) and (g) of the Wisconsin State Statutes.

- (e) 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:
  - State of Wisconsin acquisition of right of way along Racine Ave.
  
- (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:
  - Walter Bartaczewicz Claim
  - Beth Grossmeyer Claim
  - Cityscape Architecture Claim/Rick Bloomer
  - Richard and Doris Gregory Lawsuit
  - Claim against Union Pacific RR with RR Commissioner
  - Templin Claim

Motion by Alderman Ament to go to Closed Session at 8:05 PM. Seconded by Alderman Augustine and carried unanimously per roll call vote.

**RECONVENE TO OPEN SESSION**

Motion by Alderman Ament to reconvene in Open Session at 8:35 PM. Seconded by Alderman Augustine and carried unanimously.

**DISCUSSION AND POSSIBLE ACTION**

**State of Wisconsin acquisition of right of way along Racine Ave.**

No action taken.

**Walter Bartaczewicz Claim**

Motion by Alderman Ament to approve \$3,176.45. Seconded by Alderman Poshepny and carried unanimously.

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**Beth Grossmeyer Claim**

Motion by Alderman Hopkins to deny the claim from WPS and Beth Grossmeyer. Seconded by Alderman Poshepny and carried unanimously.

**Cityscape Architecture Claim/Rick Bloomer**

No action taken.

**Richard and Doris Gregory Lawsuit**

No action taken.

**Claim against Union Pacific Railroad with RR Commissioner**

No action taken.

**Templin Claim**

No action taken.

**ADJOURN**

Motion by Alderman Moore to adjourn at 8:37 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC  
City Clerk