

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, January 22, 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, Seidl, Augustine, Harena, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Recreation and Forestry Director Mark Schroeder, and Planning Services Manager Nikki Jones.

Those present recited the Pledge of Allegiance.

This meeting was noticed on Friday, January 18, 2008 in accordance with the Open Meeting Law.

REPORTS

City Clerk – The Presidential Preference Primary is Tuesday, February 19th. You can register to vote on Election Day at your polling place or at the City Clerk's office prior to the Election.

Council President – none

Mayor – Public Informational Meeting for zoo interchange reconstruction at State Fair Park tomorrow from 4-8 PM. More hearings are forthcoming.

City Attorney - none

COMMUNICATIONS - none

PLAN COMMISSION

Ordinance #2371 that approves the rezoning of property known as Rinderle Tire located at 13300 W. College Avenue

Motion by Alderman Ament to adopt Ordinance #2371 that approves the rezoning of property known as Rinderle Tire located at 13300 W. College Avenue from B-4 to B-3 to remove the B-4 Zoning District and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

COMMUNITY DEVELOPMENT AUTHORITY

Ordinance #2370 that approves the rezoning of property known as Verizon Wireless located at 15725-93 W. Ryerson Road

Motion by Alderman Harena to adopt Ordinance #2370 that approves the rezoning of property known as Verizon Wireless located at 15725-93 W. Ryerson Road from M-1/SPO to M-1/SPO and C-2/SPO to Field Delineate the Wetlands and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

PARKS RECREATION AND FORESTRY COMMISSION

2008 Greens Fees for New Berlin Hills Golf Course

Motion by Alderman Moore to approve the 2008 Greens Fees for New Berlin Hills Golf Course as recommended by the Golf Course Committee. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

Construction contract for Filter Building Additions to Pump Stations No. 3 and 7 to meet the Radium Consent Order

Motion by Alderman Harena to reject all bids received for the Construction contract for Filter Building Additions to Pump Stations No. 3 and 7 and request staff to initiate rebidding. Seconded by Alderman Seidl and carried unanimously.

MAYORAL APPOINTMENTS - none

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/TABLED 12-11-07

This item remained on the table.

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 the following items listed on the Consent Agenda. Seconded by Alderman Seidl and carried unanimously.

MINUTES - Common Council minutes from January 8, 2008

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$96,287.37, Sewer Utility claims in the amount of \$31,503.07 and Bi-weekly claims in the amount of \$1,071,836.47, all of which represents payment to vendors. Tax overpayments in the amount of \$50,847.97 were also generated.

LICENSES & PERMITS

Bartenders

- Bartender License for 2006-2008 to Marc Benkowski, Richard Bradley, Daniel Zealley, Lindsey Lange, Bradley McDonald, Sally Mulholland and Vincent LeRette.

MISCELLANEOUS

- CVMIC Liability Insurance renewals for 2009-2010 (previously approved at COW 1-8-08).
- Authorize Finance Director to sign the Declaration of Official Intent for the 2008 CIP Debt Issue in an amount not to exceed \$4,150,000.00.

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

Bartenders

Motion by Alderman Ament to approve the Appeal of denial of 2006-2008 Bartender License for Craig M Kendziora. Seconded by Alderman Seidl and carried with Alderman Augustine voting as being present/abstain and Aldermen Poshepny and Moore voting no.

Motion by Alderman Harenda to deny the Bartender License for 2006-2008 to Eulalio Perez. Seconded by Alderman Augustine and carried with Aldermen Siedl and Ament voting no.

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) (g) of the Wisconsin State Statutes.

- (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:
- Cityscape Architecture Claim/Rick Bloomer
 - New Berlin Automotive

Motion by Alderman Seidl 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 8:13 PM. Seconded by Alderman Seidl and carried unanimously.

DISCUSSION AND POSSIBLE ACTION

Cityscape Architecture Claim/Rick Bloomer

Motion by Alderman Ament to deny the Cityscape Architecture Claim/Rick Bloomer. Seconded by Alderman Moore and carried unanimously.

New Berlin Automotive

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:13 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk