

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, February 12, 2008**

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 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, City Engineer JP Walker, Parks, Recreation and Forestry Director Mark Schroeder, Police Chief Joe Rieder and Planning Services Manager Nikki Jones.

Those present recited the Pledge of Allegiance.

This meeting was noticed on Friday, February 8, 2008 in accordance with the Open Meeting Law.

REPORTS

City Clerk – Presidential Preference Primary Election is Tuesday, February 19th. That is the only office on the ballot for the City voting for one candidate within either the Democratic or Republican Party. The polls are open from 7AM to 8PM. You can register to vote and absentee vote in the City Clerk's office from 8AM to 4:30PM. Please bring proper identification. Any questions regarding the election or your polling place, call 786-8610.

Council President - none

Mayor - none

City Attorney - none

COMMUNICATIONS

Notice of Claim – Todd Economy/Allstate Insurance

Referred to City Attorney Blum.

PLAN COMMISSION

Ordinance No. 2372 that approves the rezoning of property known as New Berlin Condo Storage located at 20050 W. Lincoln Avenue

Motion by Alderman Ament to adopt Ordinance No. 2372 that approves the rezoning of property known as New Berlin Condo Storage located at 20050 W. Lincoln Avenue from M-1 to M-1 and C-2 to Field Delineate the Wetlands and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.

Resolution No. 08-06 that approves the Settler's Ridge Final Plat

Motion by Alderman Ament to approve Resolution No. 08-06 that approves the Settler's Ridge Final Plat for the property located at 3275 Wehr Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

BOARD OF PUBLIC WORKS

Professional Services Contract to the lowest responsive, responsible consultant, Kapur & Associates, Inc. for consulting services related to the redesign of Coffee Road from National Avenue to Calhoun Road

Motion by Alderman Augustine to approve the Professional Services Contract to the lowest responsive, responsible consultant, Kapur & Associates, Inc. for consulting services related to the redesign of Coffee Road from National Avenue to Calhoun Road in the amount of \$191,373.79. The total contract is not to exceed \$220,000.00. Seconded by Alderman Hopkins and carried unanimously.

Transfer of \$114,000 (per Mayor Chiovero the Board approved \$97,400) of approved funds from the Lincoln Avenue Design Account 04251100 63014 C2007 to the 170th Street Improvements Account 04251100 63016 C2007 and approve Resolution 08-04

Motion by Alderman Augustine to Transfer of \$97,400 of approved funds from the Lincoln Avenue Design Account 04251100 63014 C2007 to the 170th Street Improvements Account 04251100 63016 C2007 and approve **Resolution 08-04** to cover the costs associated with completing roadway and shoulder improvements on 170th Street. Seconded by Alderman Ament 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

Motion by Alderman Moore to remove from the table. Seconded by Alderman Harenda and carried unanimously.

The following motion is from 9-25-07:

Motion by Alderman Augustine to approve the Sidepath and Trail Inspection and Maintenance Policy. Seconded by Alderman Moore.

Motion by Alderman Moore to add to the policy the following 2 items: Section A – **“72 hours”** in place of 24 hours and **“However, single family homeowners shall not be required to clear snow and ice from sidepaths that abut their rear property”**. Seconded by Alderman Harenda.

5 minute break taken.

Motion by Alderman Hopkins to table to obtain additional information. Seconded by Alderman Seidl and carried unanimously.

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

Motion by Alderman Harenda to remove from the table. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Harenda to approve the Agreement for Use of School Facilities – Between the New Berlin School District and the City of New Berlin. Seconded by Alderman Seidl and carried unanimously.

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

MINUTES - Common Council minutes from January 22, 2008

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$179,354.34, Sewer Utility claims in the amount of \$18,591.17 and Bi-weekly claims in the amount of \$1,014,163.20, all of which represents payment to vendors. Tax overpayments in the amount of \$30,054.36 were also generated.

LICENSES & PERMITS

Bartenders

- Tabled the Bartender License for 2007-2009 to Bradley Gray
- Bartender License for 2007-2009 to Karen Bowen, Thomas Fabian, Nathan Falcone, Debra Gonyo, Charanjit Kaur, Crystal Churchill, Rebecca Dietsche and John Corcoran.

MISCELLANEOUS

- 2008 Revaluation Project memo from City Assessor Paul Koller – information only
- Tabled the Updated Bartender License Guidelines and Application

- Resolution No. 08-07 Resolution Transferring Approved Funds for remodeling of City Hall and Boiler replacement at Fire Station #5 and Requested Action Statement

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

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) (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:

- New Berlin Automotive/NAPA
- Todd Economy/Allstate Insurance

Motion by Alderman Seidl to go to Closed Session at 10:19 PM. Seconded by Alderman Augustine and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Harenda to reconvene in Open Session at 10.28 PM. Seconded by Alderman Poshepny and carried unanimously.

DISCUSSION AND POSSIBLE ACTION

New Berlin Automotive/NAPA

Motion by Alderman Ament to authorize settlement of the New Berlin Automotive/NAPA Claim in the amount of \$878.00. Seconded by Alderman Hopkins and carried unanimously.

Todd Economy/Allstate Insurance

Motion by Alderman Moore to deny the Todd Economy/Allstate Insurance Claim. Seconded by Alderman Hopkins and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 10.30 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk