

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, March 11, 2008**

**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 9:45 PM after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum and City Engineer JP Walker.

Those present recited the Pledge of Allegiance.

***This meeting was noticed on Friday, March 7, 2008 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk – The April 1<sup>st</sup> Election ballot will contain Supreme, Appeals and Circuit Court judges; a State Referendum; County Supervisory Districts (the City has gone from 4 districts to 3); Aldermen for Districts 2, 4, and 6; School Boards for all 4 schools districts and an Elmbrook School Referendum. Registering and absentee voting can be done in the City Clerk’s office during the hours of 8AM to 4:30 PM. Ballots will be available on Thursday at 8AM. Any questions, call City Clerk’s office at 786-8610.

Council President - none  
Mayor - none  
City Attorney- none

**COMMUNICATIONS**

**Kenneth Brull Claim**

Referred to City Attorney

**BOARD OF PUBLIC WORKS**

Motion by Alderman Augustine to approve the Professional Services Contract to the lowest responsive, responsible consultant, Crispell – Snyder for consulting services related to the redesign of Rogers Drive from Calhoun Road to Moorland Road in the amount of \$174,780.00. The total Contract is not to exceed \$201,000.00 with funding coming from design account 04251100 63018 C2008. Seconded by Alderman Ament 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/TABLED 2-12-08**

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.

**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. Seconded by Alderman Seidl and carried unanimously.

**MINUTES** - Common Council minutes from February 26, 2008

**UTILITY AND FINANCE**

- Water Utility claims in the amount of \$61,007.91, Sewer Utility claims in the amount of \$557.07 and Bi-weekly claims in the amount of \$381,325.70, all of which represents payment to vendors

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**LICENSES & PERMITS**

**Bartenders**

- Bartender License for 2007-2009 to Constance Clark, Crystal Weideman, Cynthia R. Stout and Kari Wilson.

**MISCELLANEOUS**

- Possible cancellation of the March 25<sup>th</sup> Council meeting.
- By-laws for the Finance Committee.
- Resolution No. 08-05 Resolution Establishing Policy for the City of New Berlin.
- Ad Hoc Committee be formed to study the possibility of districting the City of New Berlin so possibly the entire city would be served by one Garbage vendor.
- Set a public hearing for April 7, 2008 at 6:00 p.m. to be held before the Plan Commission for Ms. Welsch who has filed a petition to rezone the property located at approximately 21040 W. Lincoln Ave. from B-2 to B-2 and C-2 to field delineate the wetlands on the property.
- Set a public hearing for April 7, 2008 at 6:01 p.m. to be held before the Plan Commission for Mr. Sciano has filed a petition to rezone the property located at approximately 4901 S. Moorland Rd. from M-1, B-4, FFO Flood Fringe Overlay, FWO Floodway to I-1, B-2, C-2, FFO Flood Fringe Overlay, FWO Floodway.
- Set a public hearing for April 7, 2008 at 6:02 p.m. to be held before the Plan Commission for Ms. Wienke who has filed a petition to rezone the property located at approximately 18200 W. Lynette Ln. from R-1/R-2, C-1 and C-2 to R-1/R-2, C-1 and C-2 to Field Delineate the Wetlands.
- Set a public hearing for April 7, 2008 at 6:04 p.m. to be held before the Plan Commission for Mr. Konkel has filed a petition to rezone the property located at approximately 3915 S. Woelfel Rd. from R-1/R-2, C-1 and C-2 to R-1/R-2, C-1 and C-2 to field delineate the wetlands on the property and remove a portion of the C-1 on the property.
- Set a public hearing be set for April 7, 2008 at 6:05 P.M. to be held before the Plan Commission for Mr. Kasian and Mr. Honeyager have filed a petition to rezone and realign the boundaries of their respective PUD Ordinances for the properties located at approximately 14300 W. Howard Avenue and formerly identified as 3949 S. Sunny Slope Road.
- Add alternate side parking restrictions to the current ordinance. Specifically, under ordinance 261-4(C), adding a subsection (3) entitled 'Alternate side parking'/Direct City Attorney to draft ordinance and bring back.
- Resolution 08-08 Adopting the Salary Range Assignments for Civil Service and Non-Represented Positions/TABLED

**DEFERRED, REFERRED & TABLED ITEMS**

- Updated Bartender License Guidelines and Application/TABLED 2-12-08

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**LICENSES/PERMITS**

**Bartenders**

Motion by Alderman Moore to deny the Bartender License for 2007-2009 to Julius Green. Seconded by Alderman Proshepny and carried with Aldermen Hopkins and Seidl voting no.

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**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**

Motion by Alderman Harenda to table Resolution No. 06-42. Seconded by Alderman Seidl and carried with Aldermen Poshepny and Moore 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) (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:
  - Offer from Waukesha County for right-of-way acquisition along Racine Avenue
- (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:
  - Todd Economy/Allstate Insurance Claim
  - George Ruedt Claim

Motion by Alderman Ament to go to Closed Session at 9:56 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 10:28 PM. Seconded by Alderman Seidl and carried unanimously.

**Discussion and possible action for a temporary limited construction easement for the Racine Avenue Road project**

Motion by Alderman Ament to accept the offer from Waukesha County for the temporary limited construction easement for the westerly 10 feet of CSM #10487/Promersberger with restoration of easement be added and form approved by City Attorney. Seconded by Alderman Moore and carried unanimously.

**Discussion and possible action on the Todd Economy/Allstate Insurance Claim**

No action taken.

**George Ruedt Claim**

Motion by Alderman Hopkins to approve an intermin payment \$2393.17. Seconded by Alderman Seidl and carried unanimously.

**ADJOURN**

Motion by Alderman Augustine to adjourn at 10:30 PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC  
City Clerk