

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, September 23, 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 10:06 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny and Moore. Excused: Alderman Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Resource Director Tami Potkay and Assistant Fire Chief Fred Schultz.

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

REPORTS

City Clerk – A Council log was placed in your box. Please review.

Council President – Comprehensive Neighborhood Planning Meeting is tomorrow night (Wednesday, September 24th) at 6PM in Council Chambers. On Thursday, September 25th is the Public Information Meeting at 4PM in Council Chambers regarding the Racine and National Avenues reconstruction by Waukesha County.

Mayor - none

City Attorney - none

COMMUNICATIONS - none

PLAN COMMISSION

Proposed Urban Service Area Boundary and present the proposed Plan Commission review draft Urban Service Area Boundary (USAB)

Motion by Alderman Harenda to Set a public hearing for November 10, 2008 before the Plan Commission regarding the establishment of the proposed Urban Service Area Boundary and present the proposed Plan Commission review draft Urban Service Area Boundary (USAB) for public comment. Seconded by Alderman Wysocki and carried unanimously.

Resolution No. 08-31 that approves the amendment of the sewer service boundary to include the property located at 5915 S. Moorland Road

Motion by Hopkins to approve Resolution No. 08-31 that approves the amendment of the sewer service boundary to include the property located at 5915 S. Moorland Road (Tax Keys: 1285-993-002 & 1288-998-001). Seconded by Alderman Wysocki and carried unanimously.

Resolution No. 08-32 that approves the amendment of the sewer service boundary to include the property located 16415 W. Beloit Road

Motion by Wysocki to approve Resolution No. 08-32 that approves the amendment of the sewer service boundary to include the property located 16415 W. Beloit Road (Tax Key: 1258-981). Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

UTILITY COMMITTEE

Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing for the Glendale and Overland Drive

Motion by Alderman Harenda to approve the Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing for the Glendale and Overland Drive Project to the lowest responsive and responsible bidder, Visu-Sewer Clean & Seal Inc., in the amount of \$561,700.00 for a total project cost not to exceed \$711,000. Seconded by Alderman Wysocki and carried unanimously.

MAYORAL APPOINTMENTS

Board of Public Works - Eric Nitschke with a term expiring 8-21-2011

Mayor Chiovaturo indicated Mr. Nitschke has asked to withdraw his name from consideration due to job and personal commitments.

Comprehensive Plan Steering Sub-Committee

Motion by Alderman Harenda to approve the appointment of Scott P. Espeseth without a term expiration date. Seconded by Alderman Wysocki and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

PLAN COMMISSION

Resolution No. 07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07

No action taken.

FIRE DEPARTMENT

Award 8 sub-contracts for construction of fire station on Racine Avenue: Site Utilities, Earthwork & Site Clearing, Paving, Site Concrete, Building Concrete, Masonry, Structural & Miscellaneous Steel and Rough Carpentry/DEFERRED FOR MORE INFORMATION 8-26-08

Motion by Alderman Harenda to defer. Seconded by Alderman Seidl and carried unanimously.

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CONSENT AGENDA

Motion by Alderman Hopkins to approve the following items on the Consent Agenda as amended. Seconded by Alderman Seidl and carried unanimously.

MINUTES - Common Council minutes from August 26, 2008

UTILITY AND FINANCE

For September 9:

- Water Utility claims in the amount of \$59,775.57, Sewer Utility claims in the amount of \$4,604.16, and Bi-weekly claims in the amount of \$810,245.53, all of which represents payment to vendors.

For September 23:

- Water Utility claims in the amount of \$115,399.41, Sewer Utility claims in the amount of \$48,945.16, and Bi-weekly claims in the amount of \$332,425.84, all of which represents payment to vendors.

LCENSES & PERMITS

Bartenders

- Bartender License for the year 2008-2010 to Shawn Jones/denied
- Bartender License for the year 2008-2010 to Matthew Wilkinson, Katie Hies, Jessica Stenlik, Shawn Owen, Joseph Hall, Ashley Hammarstrom, Andrew Zaniwski, Joseph Chalmers, Kelsey Garcia Danielle Montoya, Matthew Meddaugh, Martha Ramirez, Cynthia Kirchner and Susan Kapal.

Change of Agent for Applebee's

- Cynthia A Kirchner, Agent/10185 W Coldspring Road for Applebee's at 15505 W Rock Ridge Road

Class "B" Beer License

- Alpha Gyros Inc, George Karas, Agent at 1907 S Calhoun Road

Fireworks Permits

- Eisenhower High School for 2008 Homecoming on 9-26-08/Approved by Fire Chief Dobernig
- New Berlin West High School for 2008 Homecoming on 9-26-08/Approved by Fire Chief Dobernig

MISCELLANEOUS

Reconsideration of Resolution from Finance

- Resolution No. 08-25 A Resolution Transferring Funds From Contingency to Fire Department Accounts/Alderman Ament/Deferred

Reconsideration of Early Retirement Package for Civil Service Employees

- Early retirement package for civil service employees that retire between September 15, 2008 and December 31, 2008 with specific criteria/Alderman Harenda/withdrawn

Reconsideration of Howard Avenue Special Assessment Sewer Project

- Direct the City Attorney to Prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project/Alderman Poshepny/tabled

Resolutions from Finance

- Resolution No. 08-28 A Resolution To Write Off Delinquent Uncollected Personal Property Taxes

Resolution from Human Resources

- Resolution No. 08-34 A Resolution Adopting The Salary Range Assignments For Civil Service And Non-Represented Positions

Trunked Radio Infrastructure Payments, 2009 to 2013

- Upgrade of the analog Trunked Radio System to a digital system at a shared cost of \$447,004.00 with a pre-payment option for shared users which includes an interest free ten year loan/Police Chief Rieder

Bids for Construction of Fire Station on Racine Avenue

- Award 13 sub-contracts for construction of fire station on Racine Avenue: Structural and Miscellaneous Steel, Finish Carpentry and General Trades, Roofing, Overhead Doors, Aluminum & Glass, Drywall, Flooring, Acoustical Ceilings, Painting, Plumbing, HVAC, Electrical and Landscaping/deferred

DEFERRED, REFERRED & TABLED ITEMS

- Common Council approves any pay or benefit increases before they go into affect. Instruct the City Attorney to draw up a resolution or ordinance (whichever is appropriate) to be approved at the next Common Council meeting/REFERRED TO FINANCE COMMITTEE/5-13-08
- Refer The Changing Of The Regular BPW Monthly Meeting Date And Time From The First Monday Mornings Of The Month At 8:00AM To The Evening Of The 3rd Wednesday Of The Month At 6:00PM To The BPW For Their Discussion And Recommendation (*changed to Report Back*) To The Common Council/Alderman Ament/REFERRED TO BOARD OF PUBLIC WORKS/8-12-08
- Adoption of Water and Sewer Urban Service Area Boundaries/REFERRED TO PLAN COMMISSION/8-12-08
- Adoption of "Three-Quarters" Majority Vote For Any Future Extension of Water and Sewer Outside Established New Berlin Urban Service Area Boundary (NBUSAB). These Boundaries Are To Be Adopted Within The Next 60 Days By The New Berlin Common Council/TABLED 8-12-08

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Items Removed from Consent Agenda:

BARTENDERS

Motion by Alderman Seidl to approve the Bartender License for the year 2008-2010 to Lawrence Allen. Seconded by Alderman Hopkins and carried with Aldermen Poshepny and Moore voting no.

MISCELLANEOUS

Direct the City Attorney to Prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project

Motion by Alderman Wysocki to table. Seconded by Alderman Seidl and carried with Alderman Poshepny voting no.

Resolution from Finance

Motion by Alderman Seidl to approve Resolution No. 08-30 A Resolution To Increase The Fee Schedule For Dog And Cat Licenses. Seconded by Alderman Moore. Motion tied with Aldermen Hopkins, Wysocki and Harenda voting no and Aldermen Seidl, Poshepny and Moore voting yes and Mayor Chiovatero voting yes to break the tie and motion carried 4 to 3.

ORDINANCES/RESOLUTIONS

Resolution No. 08-29 Resolution Of Eligibility For Exemption From The County Library Tax Levy For 2009

Motion by Alderman Wysocki to approve Resolution No. 08-29 Resolution Of Eligibility For Exemption From The County Library Tax Levy For 2009. Seconded by Alderman Harenda 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) of the Wisconsin State Statutes.

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: NBPPA Union, AFSCME Union and Fire Department.

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.

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: Potential Bid Bond Claim for TV John & Son.

Motion by Alderman Wysocki to go to Closed Session at 10:28 PM. Seconded by Alderman Seidl and carried unanimously per roll call vote.

Motion by Alderman Seidl to reconvene to Open Session at 11:45 PM. Seconded by Alderman Wysocki and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Discussion and possible action regarding the award of Bid Package #1 for the fire station on Racine Avenue.

No action taken.

ADJOURN

Motion by Alderman Poshepny to adjourn at 11:46 PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk