

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, March 13, 2007**

**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 8:37 PM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, Parks, Recreation & Forestry Director Mark Schroeder and Recreation Supervisor Jon Stolz.

***This meeting was noticed on Friday, March 9, 2007 and amended on Monday, March 12, 2007 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

City Clerk Gauger indicated the 2006 real estate taxes second payment is due March 31<sup>st</sup>.

Council President - none

Mayor Chiovaturo indicated nominations for the Annual Citizen of the Year Award are due this Friday.

City Attorney - none

**COMMUNICATIONS – referred to City Attorney**

Samantha Suminski Claim

Todd Economy Claim

Bruce Eckert Claim

Lars & Jodi Hedman Claim

Cynthia Shekoski Claim

**PLAN COMMISSION**

Motion by Alderman Ament to adopt Ordinance #2345 that approves the rezoning of the property known as Milham property located at 20900 W. Cleveland Avenue from R-1/R-2, A-2 & C-2 to R-1/R-2, A-2 & C-2 and to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**PARK RECREATION & FORESTRY**

Motion by Alderman Moore to approve the Community Center Conceptual Plan for the Former Library Building as presented, with the recommendation that the building be declared as a permanent Community Center and that the Food Pantry not be included as a tenant. Seconded by Alderman Hopkins.

Motion by Alderman Moore to table. Seconded by Alderman Augustine carried unanimously.

**UTILITY COMMITTEE**

Motion by Alderman Gallagher to approve the Update on Design of Proposed Treatment for Radium Compliance by approval of the contract to Ruekert & Mielke in the amount of not to exceed \$258,831 to begin the process of bidding for the HMO Treatment projects for Radium at Wells No. 3, No. 5 and No. 7. Seconded by Alderman Ament and carried unanimously.

**MAYORAL APPOINTMENTS**

**Community Development Authority**

Motion by Alderman Hegeman to approve the appointment of Theodore V. Anderson with a term expiring 5/31/2008. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Gallagher to approve the appointment of Marta Broge with a term expiring 5/31/2009. Seconded by Alderman Moore and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS - none**

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**CONSENT AGENDA**

Motion by Alderman Harenda to approve the following items on the Consent Agenda. Seconded by Alderman Hegeman and carried unanimously.

**MINUTES** - Common Council minutes from February 27, 2007

**UTILITY AND FINANCE**

**Claims**

- Approval of Water Utility claims in the amount of \$54,194.19, Sewer Utility claims in the amount of \$393,552.50, of that amount \$296,492.02 represents payment to MMSD, and Bi-weekly claims in the amount of \$837,158.98, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Approval of Bartender Licenses for 2006-2008 to Eryn L. Buelow, Michael D. Clark, Allison K. Farber, Crystal I. Knott, Lauren D. Kopas and Lawrence A. Wegner.

**Change of Agent**

- Approval of Pick N Save at 13995 W National Avenue (former Jewel Osco)/Daniel P Kamps, Agent

**MISCELLANEOUS**

- Approval of Resolution No. 07-07 A Resolution Amending the 2007 Approved Operating Budget to Transfer Funds from the Landmarks Commission Account to the Parks, Recreation & Forestry Account
- Approval of Resolution No. 07-06 To Increase And Restate License And Permit Fees Within The Office Of The City Clerk.

**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**  
No action taken.

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**BARTENDERS**

Motion by Alderman Ament to approve the Bartender License for 2006-2008 to Andrew A. Kedzierski. Seconded by Alderman Augustine and carried with Alderman Gallagher voting no.

**CLASS A RETAIL BEER & PLAN OF OPERATION**

**Jiffy Stop at 17201 W Greenfield Avenue**

Motion by Alderman Ament to approve the Class A Retail Beer License and the Plan of Operation for Jiffy Stop at 17201 W Greenfield Ave. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

**Open Pantry at 15551 W Cleveland Avenue/TABLED 2-13-07**

Motion by Alderman Hopkins to approve the Class A Retail Beer License and remove the floor display of beer from the Plan of Operation. Seconded by Alderman Hegeman and carried with Alderman Moore voting no.

**LEASE AGREEMENT FOR FOOD PANTRY**

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

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**ORDINANCES/RESOLUTIONS**

Motion by Alderman Hopkins to adopt Ordinance No. 2343 Ordinance To Amend Chapter 184 PARKS AND PARKWAY of the City of New Berlin Municipal Code Section 18 Regarding Regulation of Bicycle Riders. Seconded by Alderman Hegeman and carried with Alderman Gallagher voting no.

*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, 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: Cynthia Shekoski Claim

Motion by Alderman Ament to go to Closed Session at 9:49 PM. Seconded by Alderman Harenda and carried unanimously per roll call vote.

**RECONVENE TO OPEN SESSION**

Motion by Alderman Hopkins to reconvene to Open Session at 10:13 PM. Seconded by Alderman Augustine and carried unanimously.

**DISCUSSION AND POSSIBLE ACTION**

**Cynthia Shekoski Claim**

No action taken

**ADJOURN**

Motion by Alderman Hegeman to adjourn at 10:14 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk