

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, May 8, 2007**

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 8:20 PM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, City Engineer JP Walker, Parks, Recreation & Forestry Director Mark Schroeder and Police Chief Joe Rieder.

This meeting was noticed on Thursday, May 3, 2007 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

Mayor Chiovero indicated Boy Scout Troop #53 was in attendance.

REPORTS

City Clerk - Online Recreation Registration; NBAA Fall Soccer Registration; Concerts in the Park; Movies in the Park; 4th of July Festival and Deputy Clerk Sherry Grant received a \$479 Scholarship to attend the Clerk's Master Academy in July.

Council President Ken Harenda made the following Boards, Commission and Committee Appointments:

Crime Prevention	Poshepny
Electrical Review	Augustine
4 th of July	Ament
Golf Course	Hopkins
Housing Authority	Augustine
Landmarks	Poshepny
Library	Seidl
Park & Rec	Moore
Public Works	Moore/Ament/Augustine
Safety	Poshepny
Communications	Seidl/Harenda/Hopkins
Utility	Seidl/Ament/Harenda
Stormwater	Harenda/Moore/Hopkins
Finance	Poshepny/Augustine/Ament
Fire Department	Hopkins/Harenda

Council President Ken Harenda made the following COW Liaison Appointments:

Assessor	Augustine
Building & Grounds/Inspection	Poshepny
Planning	Ament
Engineering	Poshepny
Finance/Judiciary	Moore
Fire Department	Hopkins
Human Resources	Harenda
Information Systems	Seidl
Insurance	Augustine
Legislative	Ament
Licenses	Moore
Park & Rec	Moore
Police	Hopkins
School Board	Harenda
Utilities	Harenda
Youth Advisory Board	Seidl

Council President Harenda indicated the New Berlin Chamber of Commerce & Visitors Bureau is hosting a "Casino Night" that will benefit the New Berlin Veterans Memorial. The event is Friday, May 18th at the VFW with doors opening at 6PM and starting at 7PM.

Mayor – FEMA Open House is Thursday, May 10th from 6PM to 8PM and Saturday, June 10th from 10AM to 12Noon for changes in floodplain - maps on back wall of Council Chambers. The New Berlin Veteran's memorial will be dedicated on Saturday, May 19th at 3PM at the intersection of Casper Drive and National Avenue.

City Attorney - none

COMMUNICATIONS – none

BOARD OF PUBLIC WORKS

Amendment No. 1 to the Development Agreement for Settler's Ridge Subdivision

Motion by Alderman Augustine to approve Amendment No. 1 to the Development Agreement for Settler's Ridge Subdivision subject to final review by the City Attorney. Seconded by Alderman Hopkins and _____ carried unanimously.

Inter-municipal Agreement with the City of Greenfield and Village of Hales Corners for the Redesign of 124th Street

Motion by Alderman Augustine to approve the Inter-municipal Agreement with the City of Greenfield and Village of Hales Corners for the Redesign of 124th Street from Grange Avenue to Cold Spring Road and Grange Avenue from just east of St. Mary's Drive in New Berlin to 121st Street in Hales Corners. Seconded by Alderman Poshepny and carried unanimously.

Professional Services Contract related to the redesign of 124th Street

Motion by Alderman Augustine to approve the Professional Services Contract tot the lowest responsive, responsible consultant, Crispell-Snyder for consulting services related to the redesign of 124th Street from Grange Avenue to Cold Spring Road and a Portion of Grange Avenue from St. Mary's Drive to 121st Street (Hales Corners) in the amount of \$173,380.00. The total Contract is not to exceed \$200,000.00. Seconded by Alderman Moore and carried unanimously.

PARKS RECREATION & FORESTRY

Motion by Alderman Moore to name the Malone Park shelter "The Schoeneck Pavilion". Seconded by Alderman Ament and carried with Alderman Moore voting as being present/abstain.

COMMUNICATIONS COMMITTEE

Motion by Alderman Harenda that the City of New Berlin is not interested in approaching a public or private WiFi provider at this time but will continue to monitor the Wi-Fi technology as it becomes fiscally and technically more appropriate for the City. Seconded by Alderman Seidl and carried unanimously.

MAYORAL APPOINTMENTS

Board of Appeals

Motion by Alderman Ament to approve John J Goetter/re-appointment with term expiring 4-30-2010. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Poshepny to approve James L Klappa/re-appointment with term expiring 4-30-2010. Seconded by Alderman Ament and carried unanimously.

Community Development Authority

Motion by Alderman Augustine to approve David E Vaclav/re-appointment with term expiring 5-31-2011. Seconded by Alderman Ament and carried unanimously.

Fire Department Committee

Motion by Alderman Hopkins to approve Deena Lavrenz Liska/re-appointment with term expiring 5-10-2009. Seconded by Alderman Harenda and carried unanimously.

Parks Recreation & Forestry Commission

Motion by Alderman Ament to approve Michelle C Della/replacement with term expiring 4-30-2010. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Moore to approve Allison R Thompson/re-appointment with term expiring 4-30-2010. Seconded by Alderman Poshepny and carried unanimously.

Police & Fire Commission

Motion by Alderman Moore to approve Richard T Piontek/replacement with term expiring 4-30-2012. Failed lack of a second.

Safety Commission

Motion by Alderman Hopkins to approve Lt Paul Repischak/replacement/Police Chief designee. Seconded by Alderman Augustine and carried unanimously.

Youth Advisory Board

Motion by Alderman Augustine to approve David DeMoss/Mayors re-appointment with term expiring 5-31-2009. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to approve Kayte Holtz/District #7 appointment with term expiring 5-31-2009. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Augustine to approve Kyle Lesniewski/District #2 re-appointment with term expiring 5-31-2009. Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Development design components of Alternative 3A for the reconstruction of Calhoun Road/TABLED 4-10-2007

Motion by Alderman Seidl to remove from the table. Seconded by Alderman Ament and carried with Alderman Moore voting no.

The following motion is from April 10th Council meeting:

“Development design components of Alternative 3A for the reconstruction of Calhoun Road

Motion by Alderman Augustine to approve the Development design components and funding alternatives for Alternative 3A for the reconstruction of Calhoun Road, so that the Consultant (Bloom Consultants) can complete the design for the Project, setting the stage for the Relocation Order to be issued and Right-of-Way Acquisition phase to begin. Seconded by Alderman Moore.”

Motion by Alderman Moore to defer. Seconded by Alderman Hopkins and carried with Aldermen Seidl, Harenda and Ament voting no.

Construction Contract for Reconstruction of the New Berlin Community Center driveway/DEFERRED 4-19-2007

The following motion is from the April 19th Special Council meeting:

“Motion by Alderman Augustine to Award the Construction Contract to the lowest responsive, responsible bidder, *Capitol Pavers, Inc*, for reconstruction of the New Berlin Community Center Driveway located at 14750 W Cleveland Avenue in the amount of \$145,205.60 with inspection and contingencies, the not to exceed Total Project Costs are \$167,000.00. Seconded by Alderman Harenda.”

Upon voting, the motion carried unanimously.

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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 April 10; April 17 and April 19, 2007

UTILITY AND FINANCE

CLAIMS

April 24, 2007:

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- Water Utility claims in the amount of \$50,747.59, Sewer Utility claims in the amount of \$25,640.20 and Bi-weekly claims in the amount of \$499,585.28, all of which represents payment to vendors.

May 8, 2007:

- Water Utility claims in the amount of \$42,003.22, Sewer Utility claims in the amount of \$6,685.37 and Bi-weekly claims in the amount of \$223,742.09, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for 2006-2008 to Patsy Han Tula, Ashley Jacobs, Russell Namesake, Timothy Sheridan, Harriet Singh, Milan Singh and Ashley Vitale

Amendment to "Class B" Retailers License/Extension of Premise

- Matt Anderson, owner of Mattes Bar & Grille at 14460 W College Avenue for a 3-day event known as Mattie Gras for August 17, 18 and 19, 2007 outside in the back lot with the following hours of beverage service: Friday, August 17th from 3:00 PM to 1:00 AM; Saturday, August 18th from 3:00 PM to 1:00 AM, and Sunday, August 19th from 12:00 PM to 11:00 PM.

Extension of Loudspeaker Permit

- Matt Anderson, owner of Mattes Bar & Grille at 14460 W College Avenue for a 3-day event known as Mattie Gras for August 17, 18 and 19, 2007 outside in the back lot with the following hours for live music: Friday, August 17th from 8:00 PM to 12:00 AM; Saturday, August 18th from 3:00 PM to 12:00 AM, and Sunday, August 19th from 12:00 PM to 11:00 PM.

Amendment to "Class B" Retailers License/Extension of Premise

- Susan Hayes, owner of The 19th Hole Country Club at 1525 S 124th Street for Wednesdays from May 23, 2007 to August 29, 2007 a roped off area approximately 15 feet X 15 feet in parking lot of Club from 6:30 PM with clean up prior to 9:30 PM.

Fireworks Permit & Waive Fire Department Fees

- Mary Jane Witty for an event at Eisenhower Middle School/Graduation Show on Friday, June 1st at 4333 S Sunny Slope Road.

MISCELLANEOUS

- Presentation from Finance Director Mike Holzinger on the City's financial forecast and set Thursday, May 31st as a Special Committee of the Whole Meeting at 7:00 PM to obtain direction from Council for preparing the 2008 Operational Budget.
- New Berlin Veterans Memorial Committee requests the closing of Casper Drive from National Avenue to Civic Drive on Saturday, May 19th from 1:00 PM till 4:30 PM for dedication of the memorial.
- Set a Public Hearing for Monday, June 4, 2007 at 6:00 PM to be held before the Plan Commission for Mr. Mike Dillett who has filed a petition to rezone the property located at approximately 2530 S. Johnson Road from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands on the property.
- Set a Public Hearing for Monday, June 4, 2007 at 6:01 PM to be held before the Plan Commission for John Senkerik on behalf of Thompson Corporation who has filed a petition to rezone the property located at approximately 4200 S. Cambridge Drive from R-4.5 and C-2 to R-4.5 and C-2 to field delineate the wetland on the property.
- Set a Public Hearing for June 7, 2007 at 7:31 AM to be held before the Community Development Authority for Jim Weinmann on behalf of U.S. Cellular and Ken Lederer who has filed a petition to rezone the property located at approximately 16735 Dakota St. from M-1 and C-2 to M-1 and C-2 to field delineate the wetland on the property.

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

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ITEM/S REMOVED FROM CONSENT AGENDA - none

ORDINANCES/RESOLUTIONS - none

Motion by Alderman Moore to approve Resolution No. 07-10 Milwaukee Metropolitan Sewage District 2020 Facilities Plan. Seconded by Alderman Hopkins.

Motion by Alderman Moore to defer. Seconded by Alderman Ament 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) and (g) 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 Potential acquisition of land via donation for proposed fire station and 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 Claim; Ross & Jana Roman Claim; Lars & Jody Hedman Claim; Bruce Eckert Claim; Michael Laeuger Claim; Deborah Wied Claim and AT&T Update.

Motion by Alderman Augustine to go to Closed Session at 9:10 PM. Seconded by Alderman Ament and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene into Open Session at 10:01PM. Seconded by Alderman Augustine and carried unanimously.

DISCUSSION AND POSSIBLE ACTION:

Todd Economy Claim

No action taken.

Ross & Jana Roman Claim

Motion by Alderman Ament to deny the Ross & Jana Roman Claim. Seconded by Alderman Hopkins and carried unanimously.

Lars & Jody Hedman Claim

Motion by Alderman Harenda to deny the Lars & Jody Hedman Claim. Seconded by Alderman Hopkins and carried unanimously.

Bruce Eckert Claim

Motion by Alderman Poshepny to deny the Bruce Eckert Claim. Seconded by Alderman Seidl and carried unanimously.

Michael Laeuger Claim

Motion by Alderman Moore to deny the Michael Laeuger Claim. Seconded by Alderman Poshepny and carried unanimously.

Deborah Wied Claim

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 10:04 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk