

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, May 22, 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 7:59 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, Community Development Director Greg Kessler, Stormwater Engineer Cathy Schwalbach, Stormwater Engineer Eric Nitschke and City Engineer JP Walker.

This meeting was noticed on Thursday, May 17, 2007 and amended on Friday, May 18, 2007 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

REPORTS

City Clerk - none

Council President - none

Mayor – Read a letter regarding Privilege of the Floor rules that he sent to Vern Bentley as some Aldermen felt some personal attacks were made.

City Attorney - none

COMMUNICATIONS

Wendy Berman Claim

Referred to City Attorney

PLAN COMMISSION

Paul T. and Kathryn S. Klein Extraterritorial Plat

Motion by Alderman Ament that there is No objection to the Paul T. and Kathryn S. Klein Extraterritorial Plat in the town of Waukesha and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Alderman Harenda voting no.

BOARD OF PUBLIC WORKS

Construction Contract for the 2007 Roadway Maintenance Joint, Crack Cleaning & Sealing Project to Precision Sealcoating, Inc

Motion by Alderman Augustine to award the Construction Contract for the 2007 Roadway Maintenance Joint, Crack Cleaning & Sealing Project to *Precision Sealcoating, Inc.* in the amount of \$191,707.35 with inspection and contingencies, the not to exceed Total Project Costs are \$239,600.00. This will come from the 2007 Roadway Maintenance Account 15110029 59040. Seconded by Alderman Hopkins and carried unanimously.

WATER RESOURCE MANAGEMENT

Lincoln-Calhoun Drainage Easement Contract Amendment to the professional services design contract to HNTB Corporation

Motion by Alderman Harenda to approve the Lincoln-Calhoun Drainage Easement Contract Amendment to the professional services design contract to HNTB Corporation. The amendment is in the amount of \$8,500.00. The funds for the Design Contract are to be charged to account 04251171 61716 C2004. Seconded by Alderman Ament and carried unanimously.

Modification to Culvert Replacement Policy #23-04-005

Motion by Alderman Harenda to approve the Modification to Culvert Replacement Policy #23-04-005. Seconded by Alderman Hopkins and carried unanimously.

SPECIAL PROJECTS COMMISSION

New Berlin Chamber of Commerce & Visitors Bureau

Motion by Alderman Moore to approve the Small Grants Program Grant for 07-01 the New Berlin Chamber of Commerce & Visitors Bureau in the amount of \$10,000. Seconded by Alderman Harenda and carried with Alderman Ament voting as being present/abstain.

New Berlin Fourth of July Commission

Motion by Alderman Harenda to approve the Small Grants Program Grant for 07-02 the New Berlin Fourth of July Commission in the amount of \$10,000. Seconded by Alderman Ament and carried unanimously.

New Berlin Historical Society

Motion by Alderman Moore to approve the Small Grants Program Grant for 07-03 the New Berlin Historical Society in the amount of \$1,000. Seconded by Alderman Hopkins and carried unanimously.

New Berlin School District

Motion by Alderman Harenda to approve the Small Grants Program Grant for 07-04 the New Berlin School District in the amount of \$10,000. Seconded by Alderman Seidl and carried unanimously.

MAYORAL APPOINTMENTS

Landmarks Commission

Motion by Alderman Ament to approve the appointment of Sherry Kampa with a term expiring 10/01/2008. Seconded by Alderman Moore and carried unanimously.

Youth Advisory Board

Motion by Alderman Hopkins to approve the appointment of Nicole Karas – District 1 with a term expiring 5/31/2009. Seconded by Alderman Moore and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Development design components of Alternative 3A for the reconstruction of Calhoun Road/TABLED 4-10-2007/DEFERRED 5-8-07

The following motion is from May 8th Council meeting:

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.”

The following motion is from May 8th Council meeting:

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

Motion by Alderman Moore to table. Seconded by Alderman Poshepny and failed with Aldermen Hopkins, Poshepny and Moore voting yes.

Alderman Hopkins called for the question. City Clerk Gauger read the original motion from the April 10th meeting (see above).

Upon voting, the original motion failed with Aldermen Hopkins, Poshepny and Moore voting yes.

Resolution No. 07-10 Milwaukee Metropolitan Sewage District 2020 Facilities Plan/DEFERRED 5-8-07

The following motions are from the May 8th Council meeting:

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.

Alderman Moore requested a friendly amendment to add the following verbiage to the resolution: Item #2 page 2: *“The data shows that there is a greater cost benefit to reducing non-point pollution (which is more than 90%*

of the problem) than in attempting to eliminate the remaining point-source pollution (which is less than 2% of the problem)." Also add the following verbiage to Item #4 page 2: *"available when an overflow is anticipated."*

Alderman Hopkins agreed to add the verbiage as a friendly amendment.

Upon voting, the original motion as amended carried unanimously.

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CONSENT AGENDA

Motion by Alderman Augustine to approve the following items on the Consent Agenda. Seconded by Alderman Hopkins and carried with Alderman Seidl voting no.

MINUTES - Common Council minutes from May 8, 2007

UTILITY AND FINANCE

CLAIMS

Water Utility claims in the amount of \$85,945.05, Sewer Utility claims in the amount of \$13,627.62 and Bi-weekly claims in the amount of \$414,583.59, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

Bartender Licenses for 2006-2008 to Amy Clavette, Christopher Fleming, Anthony Koscinski, Samantha Langridge, Kari Mirek, Lori Stromski and Jeffrey Shurkoff.

MISCELLANEOUS

Election of Council representative to Plan Commission pursuant to State Statute 62.23 (1) (b) was Alderman Ament.

Issue Raze Order for property at 1435 S Calhoun Road.

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

Reconstruction of Calhoun Road from just south of Cleveland Avenue to Greenfield Avenue and instruct staff and Bloom Consultants to work with the BPW on the design and cost estimates for the modified Alternative #1-A.

Alderman Ament read a revised Requested Action Statement that was given to Council members at the start of the meeting.

Motion by Alderman Ament to instruct staff and Bloom consultants to work with the DPW on the design and cost estimates for the modified Alternative #1-A which includes the cost share of \$250,000 with Waukesha County for the Cleveland Avenue intersection reconstruction. Reconstruct the Lincoln Avenue intersection per the design already submitted in 3-A. The roadway surface from Greenfield Avenue to Cleveland Avenue to be reconstructed to remain as 2-lane road with removing existing asphalt and repaving the surface the road base to be repaired as needed to maximize the roadway life. Per the letter dated May 18, 2007 from City Engineer JP Walker the "base patching, proofrolling, grading the road base to create a 3% cross slope per the City's Developers Handbook." Alternative 1-A does not include a median at Westward Drive. Because wide shoulders already exist, the roadway construction should provide for a 5 foot wide shoulder-sidepath on both sides of Calhoun Road per the City of New Berlin's approved Alternative Transportation Plan, which is part of the City Master Plan. Both sections of the Industrial Park service drive on the east side of Calhoun Road to remain in place and to be resurfaced. The total construction cost not to exceed \$3 Million and should use a minimum of \$1 Million of the approved land acquisition money to lower the overall cost not to exceed \$2 Million. Seconded by Alderman Seidl and carried unanimously.

ORDINANCES/RESOLUTIONS

Resolution No. 07-11 A Resolution Approving The Intermunicipal Agreement Between The City Of New Berlin, The City Of Greenfield And The Village Of Hales Corners For The Redesign Of 124th Street from Grange Avenue To Cold Spring Road And Grange Avenue From St. Mary's Drive (New Berlin) To S. 121st Street (Hales Corners) – *From Board of Public Works*

Motion by Alderman Harenda to approve Resolution No. 07-11. Seconded by Alderman Ament and carried unanimously.

Resolution No. 07-12 A Resolution Confirming the City of New Berlin's Property Insurance Coverage With the Local Government Property Insurance Fund – *From City Clerk*

Motion by Alderman Harenda to approve Resolution No. 07-12. Seconded by Alderman Moore 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 land acquisition 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, Deborah Wied Claim, AT&T Update and Kristin Kuhns Claim.

Motion by Alderman Augustine to go into Closed Session at 10:01 PM. Seconded by Alderman Seidl and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Augustine to reconvene in Open Session at 10:43 PM. Seconded by Alderman Hopkins and carried unanimously.

DISCUSSION AND POSSIBLE ACTION:

Todd Economy Claim

No action taken.

Deborah Wied Claim

No action taken.

Kristin Kuhns Claim

Motion by Alderman Ament to deny the Kristin Kuhns Claim (waiver of ambo fees). Seconded by Alderman Hopkins and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 10:44 PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk