

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, July 10, 2007**

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

Mayor Jack F Chiovatero called the City of New Berlin Common Council Meeting to order at 9:17 PM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present was: City Clerk Marilyn Gauger. Excused: City Attorney Mark Blum.

This meeting was noticed on Thursday, July 5, 2007 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

REPORTS

City Clerk - none

Council President - none

Mayor – thanked all who worked on the 4th of July Festival and Parade including the Commission, the volunteers, Mark Schroeder and his staff, residents and Schoeneck Containers for the fireworks. Good time was had by all and the Police Department reported there was no trouble.

COMMUNICATIONS – none

MAYORAL APPOINTMENTS

Youth Advisory Board

Motion by Alderman Poshepny to approve the appointment of Lauren O'Halloran/District 5 with the term expiring 5-31-2008. Seconded by Alderman Moore and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Water Resource Management

Construction Contract for the U-345 Eisenhower High School Storm Water Retention Facility, to the lowest responsive responsible bidder, *Willkomm Excavating & Grading, Inc.* in the amount of \$484,961.37 with the total project cost of \$539,280.00/TABLED 6-26-07

This item remained on the table.

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CONSENT AGENDA

Motion by Alderman Ament to approve all of the following Consent Agenda items listed. Seconded by Alderman Moore and carried unanimously.

MINUTES - Common Council minutes from June 26, 2007

UTILITY AND FINANCE

CLAIMS

- Water Utility claims in the amount of \$15,292.57, Sewer Utility claims in the amount of \$11,386.94, and Bi-weekly claims in the amount of \$236,216.05, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2007-2009 to Michelle Dunn, John Kornack, Chris Toter and Nicole Wittenburg.

Class "A" Beer

- Dick's New Berlin Service Inc located at 15710 W Small Road/Judith Meyer, President/Site Map and Plan of Operation conditioned upon "no floor display of beer".
- Speedy Service Inc located 17200 W Cleveland Avenue/John Kerr, President/Site Map and Plan of

Operation conditioned upon "no floor display of beer".

MISCELLANEOUS

- Close National Avenue from 11:00 AM to 4:30 PM west of Barton Road to West Side Pub for New Berlin Historic Day – Sunday, September 9, 2007.
- Issue a Raze Order pursuant to Wisconsin Statute, Section 66.0413 for the remnant residence structure at 15207 W National Avenue.
- Set A Public Hearing for August 2, 2007 at 7:30 AM to be held before the Community Development Authority for Mr. Dan Muething on behalf of Fed Ex who filed a petition to rezone the property located at approximately 16555 W. Rogers Drive from M-2/SPO and C-2 to M-2/SPO to C-2 to field delineate the wetlands on the property.
- Amendment No. 2 to the Development Agreement for Hickory Hills Condominiums to allow phased occupancy permits to be issued to buildings 18 and 19 within the discretion of the Building Inspector.
- Mayor's *Report* on recent US Mayors Conference
 - 10 Point Plan
 - Climate Protection Agreement
- The New Berlin School District proposed fees and charges to the City of New Berlin – discussion only.

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

Class "A" Beer

Motion by Alderman Hopkins to approve a Class "A" Beer license, the Site Map and Plan of Operation with the condition there is no floor display of beer for Speedy Service Inc located 17200 W Cleveland Avenue. Seconded by Alderman Harenda and carried with Aldermen Augustine and Moore voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2352 Ordinance To Amend Section 59-7 Records Of The Municipal Code Of The City Of New Berlin Concerning The Destruction Of Tape And Video Recordings Of Governmental Meetings
Mayor Chiovatero indicated this is the 1st reading.

Ordinance No. 2353 Ordinance To Amend Section 124-12 I. (4) Fire Prevention Of The Municipal Code Of The City Of New Berlin Relative To Fireworks Users Permit
Mayor Chiovatero indicated this is the 1st reading.

Ordinance No. 2354 Ordinance To Amend Section 124-12 N. (7) Fire Prevention Of The Municipal Code Of The City Of New Berlin Regarding The Forfeitures For Violations Of The Open Burning Ordinance
Mayor Chiovatero indicated this is the 1st reading.

Ordinance No. 2355 Ordinance To Amend Various Sections of Chapter 152 Licenses And Permits Of The Municipal Code Of The City Of New Berlin Relative To The Issuance Of Licenses And Permits
Mayor Chiovatero indicated this is the 1st reading.

Ordinance No. 2356 Ordinance To Amend Section 152-8 Licenses And Permits Of The Municipal Code Of The City Of New Berlin Concerning Shooting Galleries And Archery Ranges
Mayor Chiovatero indicated this is the 1st reading.

Resolution No. 07-13 A Resolution Transferred Approved Funds for Cold Spring Road Reconstruction To Complete the Stormwater Storage Facility and Finance the Legal, Administrative, Construction Inspection and Contingency Fees – Approved by Council 6-26-07

Motion by Alderman Moore to approve Resolution No. 07-13. Seconded by Alderman Poshepny and carried unanimously.

Resolution No. 07-14 A Resolution To Require The Union Pacific Railroad To Repair And Repave Their Crossing At Calhoun Road – Approved by Council 6-26-07

Motion by Alderman Seidl to approve Resolution No. 07-14. Seconded by Alderman Hopkins 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, Claim against Adair Plumbing and NB School District and Janacek Investments Claim.

Motion by Alderman Augustine to go into Closed Session at 9:39 PM. Seconded by Alderman Moore and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene into Open Session at 10:08 PM. Seconded by Alderman Augustine and carried unanimously.

DISCUSSION AND POSSIBLE ACTION:

Todd Economy Claim

Claim against Adair Plumbing and NB School District

Janacek Investments Claim

No action taken on the above 3 items.

ADJOURN

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

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk