

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, October 9, 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 11:00 PM after Committee of the Whole and Privilege of the Floor.

Those present recited the Pledge of Allegiance.

Present were Aldermen Augustine, Seidl, Harenda, Poshepny and Moore. Excused: Alderman Hopkins. Also present was: City Clerk Marilyn Gauger, City Attorney Mark Blum, Director of Parks, Recreation and Forestry Mark Schroeder, City Engineer JP Walker, Stormwater Engineer Eric Nitschke, Police Chief Joe Rieder, Captain Frank Zsohar, Lt Linda Dane and Director of Community Development Greg Kessler.

This meeting was noticed on Thursday, October 4, 2007 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none
Council President - none
Mayor - none
City Attorney - none

COMMUNICATIONS - none

PLAN COMMISSION

Ordinance 2362 that approves the rezoning of property known as Thomas Stoll & Bradley Smith located at 18300 W. Cleveland Avenue

Motion by Alderman Ament to adopt Ordinance 2362 that approves the rezoning of property known as Thomas Stoll & Bradley Smith located at 18300 W. Cleveland Avenue from R-1/R-2/C-1/C-2 and P-1 to R-1/R-2/C-1/C-2 – Wetland delineation and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Certified Survey Map for the property located at 18300 W. Cleveland Avenue

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 18300 W. Cleveland Avenue and accept the Plan Commission Report. Seconded by Alderman Moore.

Motion by Alderman Moore to add/amend the following language to the Staff Report File #LD-2-07 “fencing shall be limited to 25,000 square feet disturbed areas only. This will allow for the Primary Environmental Corridor to continue uninterrupted outside of these areas”. Seconded by Alderman Ament and carried unanimously.

Upon voting original motion as amended, carried with Alderman Ament voting no.

Ordinance #2363 that approves the rezoning of property known as Stonegate Apartments located at 13175,13205,13235,13265 W. National Avenue

Motion by Alderman Ament to adopt Ordinance #2363 that approves the rezoning of property known as Stonegate Apartments located at 13175,13205,13235,13265 W. National Avenue from Rm-1 to Rm-1 and C-2 – Wetland delineation and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Board of Public Works

Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07

Motion by Alderman Harenda to remove from the table. Seconded by Alderman Seidl and carried unanimously.

The following motion is from the 9-25-07 Council meeting:

Motion by Alderman Augustine to approve the Sidepath and Trail Inspection and Maintenance Policy. Seconded by Alderman Moore.

Motion by Alderman Ament to table. Motion withdrawn by Alderman Ament.

Motion by Alderman Harenda to defer to make some changes. Seconded by Alderman Moore and carried unanimously.

Utility Committee

Consideration of Resolution No. 07-27 A Resolution To Authorize The Loan From The City Of New Berlin Sewer Fund To The City Of New Berlin Water Fund To Refund The 1999 City Of New Berlin Water Revenue Bonds in the principal sum of \$1,389, 570 for a term of 10 years and an interest rate of 5% per annum/TABLED 9-25-07

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

More information is needed from Finance Director Holzinger and the Utility Committee recommendation.

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

+++++

CONSENT AGENDA

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

MINUTES - Common Council minutes from September 25, 2007

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$59,623.06, Sewer Utility claims in the amount of \$31,409.12, and Bi-weekly claims in the amount of \$343,251.47, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2007-2009 to Oscar Green, Nancy Hilts, Krystal Murphy, Kellie O'Connor, Wendy Sloniker, Ryan Stefaniak and April Zarder.

MISCELLANEOUS

- Disqualify the bid of Engineered Buildings Inc as being non-responsive to the bid specifications for the project of the salt storage dome.
- Award bid for construction of the salt storage dome to the lowest responsive and responsible bidder to Dome Corporation of North America, of Saginaw, Michigan in the amount of \$167,940.00. Source of Funds: 04056200 61209 C2007.
- Public Hearing for Monday, November 5, 2007 at 6:01 p.m. to be held before the Plan Commission. The DNR has requested that the City of New Berlin revise its non-metallic mining reclamation ordinances (Chapter 275-62) to reflect changes in the State Chapter NR 135 Administrative Code.

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.
- Construction contract for a salt storage dome to Engineered Buildings, Inc. of West Bend, Wisconsin in the amount of \$163,935.00. Source of Funds: 04056200 61209 C2007/TABLED 9-25-07
This item was removed from the table and removed from the agenda.

+++++

ITEM/S REMOVED FROM CONSENT AGENDA

LICENSES & PERMITS

Class B and Class C Licenses

Motion by Alderman Ament to approve the Class B and Class C Licenses for Krause Funeral Home and Cremation Services, Inc at 12401 W National Avenue/Agent Mark J Krause. Seconded by Alderman Poshepny and carried with Alderman Moore voting no.

MISCELLANEOUS

NB Board of Education to continue holding regular monthly and any related special meetings at the NB City Hall

Motion by Alderman Ament to approve the Request from NB Board of Education to continue holding regular monthly and any related special meetings at the NB City Hall from January 28, 2008 through December 15, 2008 starting at 7PM and 6PM. Seconded by Alderman Harenda and carried with Aldermen Moore and Poshepny voting no.

Proposed 2008 City of New Berlin Operating and CIP Budgets and set date for Public Hearing.

Motion by Alderman Moore to add nineteen (19) members to the Fire Department in order to accomplish paramedic service at a cost of \$664,693 to the Fire Department budget. Seconded by Alderman Poshepny and carried by Mayor Chiovatero breaking the 3 to 3 tie, and Aldermen Augustine, Seidl and Harenda voting no.

Forward 2008 Operating Budget to Council

Motion by Alderman Moore to forward to Council (budget) with the addition of \$664,693 for the Fire Department, with the following dollar amounts: Operating Budget at \$33,798,484-6.64% increase; Levy at \$23,533,199-10.2% increase and Tax Rate at 5.4694-8.4% increase. Seconded by Alderman Poshepny and motion failed with Aldermen Poshepny and Moore voting yes.

Motion by Alderman Harenda to refer budget back to Mayor Chiovatero to come up with recommendations to reduce levy as it now exists and report back at next meeting. Seconded by Alderman Ament and carried with Moore voting no.

ORDINANCES/RESOLUTIONS - none

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.

- (e) 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.

Motion by Alderman Seidl to go into Closed Session at 12:20 AM. Seconded by Alderman Moore and carried per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene in Open Session at 12:37 AM. Seconded by Alderman Augustine and carried unanimously.

DISCUSSION AND POSSIBLE ACTION:

Potential land acquisition via donation for proposed fire station

No action taken.

ADJOURN

Motion by Alderman Ament to adjourn at 12:39 AM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk