

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, October 23, 2007**

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

Alderman/Council President Ken Harenda called the City of New Berlin Common Council Meeting to order at 9:41 PM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Seidl, Poshepny, Moore and Ament. Also present was: City Clerk Marilyn Gauger, City Attorney Mark Blum, Finance Director Mike Holzinger, Facilities Maintenance Supervisor Ernie Giesege, Police Chief Joe Rieder, Police Captain Frank Zsohar, Streets Supervisor Don Ullman, IT Director Nick Roethel, City Engineer JP Walker, City Assessor Paul Koller, Fire Chief Ed Dobernig, Asst Fire Chief Tom Dobernig, Asst Fire Chief Scott Gillard, Fire Department Administrative Coordinator Deb Delikat, Community Development Director Greg Kessler, Streets Office Coordinator Sue Hanley, Municipal Court Supervisor Mary Ann Rozman and Parks, Recreation and Forestry Director Mark Schroeder.

This meeting was noticed on Friday, October 19, 2007 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none

Council President - State passed budget with 2% levy limit.

Mayor - none

City Attorney - none

COMMUNICATIONS

Beth Grossmeyer Claim – referred to City Attorney

BOARD OF PUBLIC WORKS

Amendment No. 3 to the existing Development Agreement for Hickory Hills Condominiums

Motion by Alderman Augustine to approve Amendment No. 3 to the existing Development Agreement for Hickory Hills Condominiums to allow occupancy permits to be issued to individual condominium units instead of having to wait until all condominium units within a building pass their final building inspection. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing in Basins NB-1 and NB-4

Motion by Alderman Harenda to approve the Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing in Basins NB-1 and NB-4 to the lowest responsive and responsible bidder, Michels Corporation in the amount of \$448,427 for a total project cost not to exceed \$493,269.70 with source of funds from Wastewater Account 81001131.52030. Seconded by Alderman Seidl and carried unanimously.

Council President Harenda deviated from the agenda to consider the following item:

DEFERRALS, REFERRAL & TABLED ITEMS

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/TABLED 10-9-07

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

Motion by Alderman Harenda to approve Resolution No. 7-27. Seconded by Alderman Seidl and carried unanimously.

WATER RESOURCE MANAGEMENT COMMITTEE

Water Resource Management 2008 Operating budget

Motion by Alderman Harenda to approve the Water Resource Management 2008 Operating budget for a total cost 1,455,686 which includes the increase of a ½ position in account 52130. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

Design/construction plan contract for the Elm Grove Road Drainage Improvements

Motion by Alderman Harenda to approve the Design/construction plan contract for the Elm Grove Road Drainage Improvements Box Structure Culvert to Crispell-Snyder, as part of the Underwood Creek Flood Control Project U-331, in the amount not to exceed \$44,000. The funds are to be charged to Drainage Account 70710710 59060 in 2007. Any funds not used in 2007 will be transferred to the 2008 Drainage Account 70710710 59060. Seconded by Alderman Augustine and carried unanimously.

COMMUNICATIONS COMMITTEE

Resolution No. 07-28 Regarding Proposed State of Wisconsin 2007 Assembly Bill 207 and 2007 Senate Bill 107, Relating to Regulation of Cable Television and Video Service Providers

Motion by Alderman Harenda to approve Resolution No. 07-28. Seconded by Alderman Seidl and carried unanimously.

MAYORAL APPOINTMENTS

Landmarks Commission

Motion by Alderman Hopkins to approve the re-appointment of Peggy Ament with a term expiring 10-1-2010. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Moore to approve the re-appointment of Jackie Hermann with a term expiring 10-1-2010. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Hopkins to approve the re-appointment of June Pelkola with a term expiring 10-1-2010. Seconded by Alderman Ament and carried unanimously.

Special Projects Commission

Motion by Alderman Ament to approve the re-appointment of John G. Rocco with a term expiring 10-1-2008. Seconded by Alderman Poshepny and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of James J. Simonson with a term expiring 10-12-2008. Seconded by Alderman Hopkins and carried unanimously.

Youth Advisory Board

Motion by Alderman Seidl to approve the appointment of Jack Batzner – Representing District 3 with a term expiring 5-31-2009. Seconded by Alderman Moore and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Board of Public Works

Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07

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

Utility Committee

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See motions above.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from October 9, 2007 and October 16, 2007 Special Budget

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$23,870.70, Sewer Utility claims in the amount of \$9,077.00, and Bi-weekly claims in the amount of \$915,007.74, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2007-2009 Kristi M. Prokop and Renee M. Larson

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

ITEM/S REMOVED FROM CONSENT AGENDA

MISCELLANEOUS

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

Motion by Alderman Moore to forward to Council and public hearing with the Operating Budget at \$33,148,570; with a general tax levy at \$22,606,321 with 5.87% increase and a Tax Rate at \$5.2540 per \$1,000 with a 4.13% increase. Seconded by Alderman Poshepny and carried with Aldermen Seidl, Harenda and Ament voting no.

Note: The Budget Public Hearing is scheduled for Tuesday, November 20th at 7PM.

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) and (g) 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.
- (g) 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:
 - Vince Breider Claim

Motion by Alderman Hopkins to go to Closed Session at 9:57 PM. Seconded by Alderman Augustine and carried per roll call vote unanimously.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene in Open Session at 10:06 PM. Seconded by Alderman Augustine and carried unanimously.

DISCUSSION AND POSSIBLE ACTION:

Potential land acquisition via donation for proposed fire station

No action taken.

Vince Breider Claim

No action taken.

ADJOURN

Motion by Alderman Moore to adjourn at 10:07 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk