

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, December 11, 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 7:59 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Police Chief Joe Rieder and IT Director Nick Roethel.

Those present recited the Pledge of Allegiance and a moment of silence was observed for family and friends in Iraq that are not home for the holidays.

This meeting was noticed on Thursday, December 6, 2007 and amended on Monday, December 10, 2007 in accordance with the Open Meeting Law.

REPORTS

City Clerk – none

Council President – a Special Utility Meeting is scheduled for December 20th at 5PM in Council Chambers regarding MMSD 2020 Facilities Plan and how the plan will affect city residents.

Mayor - none

City Attorney – none

PLAN COMMISSION

City Attorney Blum asked that this item be considered after Closed Session.

Certified Survey Map for the property located at approximately 5120 S. Racine Avenue and accept the Plan Commission Report. (Promersberger Property)

Ordinance #2368 that approves the rezoning of property known as Alan C. Olson located at 2880 S. Moorland Road from O-1 to O-1 and C-2

Motion by Alderman Ament to adopt Ordinance #2368 that approves the rezoning of property known as Alan C. Olson located at 2880 S. Moorland Road from O-1 to O-1 and C-2 to field delineate wetlands and accept the Plan Commission Report. Seconded by Alderman Augustine and carried unanimously.

UTILITY COMMITTEE

2008 Water Utility Operating Budget

Motion by Alderman Harenda to approve the 2008 Water Utility Operating Budget in the amount of \$4,575,629. Seconded by Alderman Seidl and carried unanimously.

2008 Water CIP Budget

Motion by Alderman Harenda to approve the 2008 Water CIP Budget in the amount of \$1,447,545. Seconded by Alderman Ament and carried unanimously.

2008 Wastewater Utility Operating Budget

Motion by Alderman Harenda to approve the 2008 Wastewater Utility Operating Budget in the amount of \$9,567,744. Seconded by Alderman Seidl and carried unanimously.

2008 Wastewater CIP Budget

Motion by Alderman Harenda to approve the 2008 Wastewater CIP Budget in the amount of \$105,000. Seconded by Alderman Ament and carried unanimously.

COMMUNICATIONS COMMITTEE

Upgrade to City of New Berlin Website

Motion by Alderman Harenda to approve the Contract with Xorbix Offshore For Upgrade to City of New Berlin Website in the amount of \$55,200 with a 10% contingency amount of \$5,520 for a total project cost of \$60,720 with the source of funds from Acct #26290000.59010 Cable TV Equipment. Seconded by Alderman Hopkins and carried unanimously.

MAYORAL APPOINTMENTS

Communications Committee

Motion by Alderman Harenda to approve the reappointment of Bruce A. Peterka with term expiring 12-31-2008. Seconded by Alderman Hopkins and carried unanimously.

Safety Commission

Motion by Alderman Seidl to approve the appointment of Dr. Paul Kruetzer, NB School District Administrator. Seconded by Alderman Poshepny and carried unanimously.

Special Projects Commission

Motion by Alderman Moore to approve the reappointment of Mary Claire Lanser with term expiring 12-12-2008. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Moore to approve the reappointment of Lori J. Schinker with term expiring 12-31-2008. Seconded by Alderman Ament and carried unanimously.

DISCUSSION AND POSSIBLE ACTION ON THE 2008 CIP BUDGET

Mayor Chiovatero indicated this will be taken up at a later date.

DEFERRALS, REFERRAL & TABLED ITEMS

Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07

This item remained on the table.

Resolution #07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07

This item remained on the table.

Agreement for Use of School Facilities – New Berlin School District/DEFERRED 11-27-07

Per City Attorney Blum there is one small issue regarding any additional charges that may come up and how they are handled that needs to be resolved.

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

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CONSENT AGENDA

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

MINUTES - Common Council minutes from November 27, 2007

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$56,817.51, Sewer Utility claims in the amount of \$35,342.76, and Bi-weekly claims in the amount of \$266,140.77, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2007-2009 to William Darr, Jaime Miller, Sheri Nowak, Joanne Reimer and Eric Walker.

Class A Beer & Liquor

- L-E-S-S (L&S) Discount Liquor at 12940 W National Avenue, Partnership owners Leonardo & Sonia Valeska Avina

Class A Beer

- Jiffy Stop at 17201 W Greenfield Avenue, Roadmaster LLC, Agent Amardeep (Dave) Ghuman
- Kwik Fuel at 17145 W Greenfield Avenue, Roadmaster LLC, Agent Amardeep (Dave) Ghuman

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- Quick Trip Pantry at 16401 W Greenfield Avenue, owner Resham K Singh

Private Garbage Contractors

- Waste Management at 10627 S 27th Street, Franklin WI for Residential and Commercial Service
- Veolia ES Solid Waste Midwest, LLC at 559 Progress Drive, Hartland WI for Residential and Commercial Service
- Veolia ES Solid Waste Midwest, LLC at W144S6350 College Ct, Muskego WI for Commercial Service
- Eagle Disposal Inc at 21107 Omega Circle, Franksville WI for Commercial Service

MISCELLANEOUS

- Set a Public Hearing for Thursday, January 3, 2008 at 7:30 A.M. to be held before the Community Development Authority for Mr. McMillan who has filed a petition to rezone the property located at approximately 15725 W Ryerson Road from M-1 to M-1/C-2.
- Approval of Election Inspectors (pollworkers) for the City of New Berlin for a 2-year term beginning January 1, 2008 and ending December 31, 2009.
- Resolution No. 07-36 A Resolution To Transfer Funds From Contingency Account to Police Department Capital Equipment Account For Radio Rebanding From Analog to Digital Signals For a Cost Savings.
- Resolution No. 07-37 A Resolution To Transfer Funds From Contingency Account to Various Wage and Benefit Accounts for the Teamster's Contract.
- Resolution No. 07-38 A Resolution To Transfer Funds From Contingency Account to Facilities Management New Vehicle Account.

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

LICENSES/PERMITS

Bartenders

Motion by Alderman Moore to deny the Bartender License for the year 2007-2009 to Craig Kenziora. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal

Mayor Chiovatero indicated this is the 3rd reading and asked that this Ordinance be tabled because the policy is not yet resolved.

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

Ordinance No. 2369 Ordinance Creating Section 152-21 Of The Municipal Code Of The City Of New Berlin Weights And Measures Permit (1st reading)

Motion by Alderman Hopkins to waive the 2nd and 3rd readings. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Moore to adopt Ordinance No. 2369. Seconded by Alderman Hopkins and carried unanimously.

City Attorney Blum asked that this item be considered after Closed Session.

Resolution No. 07-32 Resolution Terminating Road Reservation For the Extension of Woodridge Lane (Promersberger Property)

Resolution No. 07-33 A Resolution Designating Public Depositories and Approving other Financial Institutions for Investments

Motion by Alderman Harenda to approve Resolution No. 07-33. 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.

- (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
 - Negotiations regarding acquisition of Lake Michigan water

- (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:
 - Deborah Wied Claim
 - Edwin and Lori Ganus Claim
 - Beth Grossmeyer Claim
 - Vince Breider Claim

Motion by Alderman Augustine to go into Closed Session at 8:16 PM. Seconded by Alderman Poshepny and carried per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Ament to reconvene into Open Session at 9:32 PM. Seconded by Alderman Seidl and carried unanimously.

DISCUSSION AND POSSIBLE ACTION:

Discussion and possible action authorizing negotiations for acquisition of Lake Michigan water

Motion by Alderman Hopkins to approve Resolution No. 07-34. Seconded by Alderman Harenda and carried unanimously.

Discussion and possible action to adopt Resolution No. 07-35 to divide lot 2 of CSM 9639 and to conditionally authorize the approval of documents related to the donation of a portion of the lands in said CSM to the City which approval shall not be effective until the approval of the final documents as to form by staff and the receipt by the City of the special warrant deed in trust as called for in said agreements.

Motion by Alderman Ament to approve Resolution No. 07-35. Seconded by Alderman Hopkins and carried unanimously.

Recommendation From Plan Commission:

Certified Survey Map for the property located at approximately 5120 S. Racine Avenue and accept the Plan Commission Report. (Promersberger Property)

Motion by Alderman Ament to approve the Certified Survey Map for the property located at approximately 5120 S. Racine Avenue and accept the Plan Commission Report. (Promersberger Property). Seconded by Alderman Harenda and carried unanimously.

Per City Attorney Blum this approval is subject to terms just adopted by Resolution No. 07-35.

Resolution No. 07-32 Resolution Terminating Road Reservation For the Extension of Woodridge Lane (Promersberger Property)

Motion by Alderman Poshepny to approve Resolution No. 07-32. Seconded by Alderman Moore and carried unanimously.

Per City Attorney Blum this approval is subject to terms just adopted by Resolution No. 07-35.

Discussion and possible action concerning the potential land acquisition via donation for proposed fire station.

This is the Promersberger Property issue. Action taken above.

Discussion and possible action concerning the claim of Deborah Wied

Motion by Alderman Poshepny to deny the claim of Deborah Wied. Seconded by Alderman Seidl and carried unanimously.

Discussion and possible action concerning the claim of Edwin and Lori Ganus

Motion by Alderman Hopkins to deny the claim of Edwin and Lori Ganus. Seconded by Alderman Seidl and carried unanimously.

Discussion and possible action concerning the claim of Beth Grossmeyer

Motion by Alderman Moore to deny the claim of Beth Grossmeyer. Seconded by Alderman Harenda and carried unanimously.

Discussion and possible action concerning the claim of Vince Breider

Motion by Alderman Poshepny to approve the amount of \$1,924.38 for the Vince Breider Claim. Seconded by Alderman Moore and carried unanimously.

ADJOURN

Motion by Alderman Poshepny to adjourn at 9:43 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk