

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, March 28, 2006**

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 9:36 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on Thursday, March 23, 2006 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

ROLL CALL: Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum and City Clerk Marilyn Gauger.

REPORTS

City Clerk

The Spring Election is Tuesday, April 4th. On the ballot is Judicial, County and School District office. Ballots are available in the City Clerk's office for absentee voting.

The Earth Day Festival is scheduled for Saturday, April 22 from 12:00 PM to 3:00 PM at Calhoun Park with a rain date of Sunday, April 23rd. The information line to call is 262-754-1700.

The Easter Egg Hunt is scheduled for Saturday, April 8th at 9:00 AM at the Old New Berlin Library building at 14750 W Cleveland Avenue for 3rd grade and under. Please bring 1 non-perishable food item per child.

Council President – none

Mayor – none

City Attorney - none

COMMUNICATIONS COMMITTEE

Resolution No. 06-11 Establishing Policies For The Use of City Hall Facilities And For The Use of The City Government Access Cable Channel

Motion to Alderman Ament to defer. Seconded by Alderman Hegeman and carried unanimously.

WATER RESOURCE MANAGEMENT COMMITTEE (Stormwater Committee)

Ordinance No. 2306 Amend Various Sections in Chapter 65, Water Resource Management Utility, Chapter 226, Stormwater Runoff, and Chapter 230, Streets and Sidewalks

Motion by Alderman Harenda to adopt Ordinance No. 2306. Seconded by Alderman Moore and carried with Alderman Ament voting no.

DEFERRALS, REFERRAL & TABLED ITEMS

Sts Constantine and Helen Greek Orthodox Church TABLED 3-15-05

No action taken.

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CONSENT AGENDA

Motion by Alderman Ament to approve the following items on the consent agenda. Seconded by Alderman Hegeman and carried unanimously.

MINUTES - Common Council minutes from March 14, 2006.

UTILITY AND FINANCE

Approval of Water Utility claims in the amount of \$62,087.63, Sewer Utility claims in the amount of \$4,728,212.12, of that amount \$4,714,179.00 represents payment to MMSD and Bi-weekly claims in the amount of \$340,347.33, all of which represents payment to vendors

LICENSES/PERMITS

Bartender Licenses

Approval of Bartender Licenses for the year 2005-2007 to Valerie N. Duda, Michael D. Heerey, Alyson M. Kurzynski and Jason D. Bacon.

Amendment to "Class B" Retailers License

Approval of the amendment to the "Class B" Retailers License to include the "Parking Lot Area" for Mustang Shelly's, 18540 W. National Ave., for Saturday May 6, 2006 from 10:00am to 10:00pm and Sunday May 7, 2006 from 9:00am to 10:00pm. Owner must provide trained staff to direct people in and out of the parking lot, the staff must be trained and wear a fluorescent safety vests (flashlight at night), and have handheld stop signs and they must be alcohol free. Also owner must provide professional security people (at least two) on premise during event. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment.

Extension of Loud Speaker Permit

Approval extension of the loud speaker permit issued by the Police department to Holy Apostles Congregation, 16000 W. National Ave., to have the bands play on Friday, June 23, 2006 to 10:30 pm, and Saturday, June 24, 2006 to 10:30 pm., and also allow the carnival rides to be in operation until the above times. Any complaints from neighbors, etc. that require police response will result in immediate revocation of this extension.

MISCELLANEOUS

Discussion on Greenfield Avenue reconstruction project.
Deferred Resolution No. 06-10 Urging the State Legislature to Reject the TP Amendment (SJR 63 / AJR 77)
Approval of Payment of attorney fees for legal representation for Police Officer.
Approval of Funding for Placement of a Temporary Cul-de-Sac on Small Road
Discussion on Finance Policies
Discussion on 2007 – CIP Budget Discussion
Discussion on 5-year Strategic Financial Planning

DEFERRED/TABLED ITEMS

None.

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ITEM/S REMOVED FROM CONSENT AGENDA

Resolution No. 06-10 Urging the State Legislature to Reject the TP Amendment (SJR 63 / AJR 77)

Motion by Alderman Moore to approve Resolution No. 06-10. Seconded by Alderman Gallagher.

Motion by Alderman Augustine to table. Seconded by Alderman Ament and carried with Aldermen Gallagher and Moore voting no.

Payment of attorney fees for legal representation for Police Officer

Motion by Alderman Ament to approve payment of attorney fees for a total of \$1,615.94. Seconded by Alderman Moore and carried with Alderman Gallagher voting no.

Funding for Placement of a Temporary Cul-De-Sac on Small Road

Motion by Alderman Harenda for funding for the placement of the previously approved temporary cul-de-sac at the west end of west Small Road, between the approved Stone Fire Pizza entrance and the residence located at 15230 W Small Road. Funding to be allocated from the 2006 Approved Road Maintenance Budget, Account #59040, not to exceed \$20,000 for implementation of this project. Seconded by Alderman Ament and carried with Aldermen Gallagher and Moore voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2307 Amending Section 11-5 of the City of New Berlin Municipal Code Adding the Position of Building Maintenance Supervisor to the List of Civil Service Positions

Mayor Chiovatero indicated this is the 1st reading.

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) (g) of the Wisconsin State Statutes, 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: Sts Constantine & Helen Greek Orthodox Church; Austin Mlada and Carl Luckowiak

Motion by Alderman Augustine to go to Closed Session at 9:50 PM. Seconded by Alderman Hegeman and carried unanimously per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 10:30 PM. Seconded by Alderman Hopkins and carried unanimously.

OPEN SESSION

Discussion and possible action on the following items:

Austin Mlada Claim

Motion by Alderman Ament to deny the claim of Austin Mlada. Seconded by Alderman Hegeman and carried unanimously.

Carl Luckowiak Claim

Motion by Alderman Hopkins to approve payment to Carl Luckowiak for settlement of his claim in the amount of \$1,320.00. Seconded by Alderman Ament and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Sts Constantine and Helen Greek Orthodox Church/TABLED 3-15-05

No action taken.

ADJOURN

Motion by Alderman Augustine to adjourn at 10:36 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk