

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, April 11, 2006**

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

Mayor Jack F Chiovaturo called the City of New Berlin Common Council Meeting to order at 8:08 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on Thursday, April 6, 2006 and amended notice on Monday, April 10, 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, Director of Community Development Greg Kessler, Director of Human Resources Tami Potkay, Planning Services Manager Nikki Jones, City Engineer JP Walker and Stormwater Division Engineer Eric Nitschke.

REPORTS

City Clerk

Election results are on the City's website at www.newberlin.org.

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.

Council President - none

Mayor – none

City Attorney - none

PLAN COMMISSION

Ordinance #2308 that approves the rezoning of property known as J. W. Winco, Inc.

Motion by Alderman Ament to adopt Ordinance #2308 that approves the rezoning of property known as J. W. Winco, Inc. located at 17301 W. Cleveland Avenue from R-3 to O-2 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

Borrowing of funds to finance design and construction need to meet the Radium Consent Order set by the DNR.

Motion by Alderman Gallagher to approve the expenditure of \$3,659,700 of Water Utility Funds, borrowing of \$2,669,700 from Sanitary Sewer Utility and \$990,000 from the balance of Forest View CIP project, to cover the cost of complying with the Radium Consent Order for Pump Stations #3, #5 and #7. Seconded by Alderman Ament.

Motion by Alderman Gallagher to defer to next meeting. Seconded by Alderman Harenda and carried unanimously.

BOARD OF PUBLIC WORKS

Development Agreement for Westridge Development East

Motion by Alderman Augustine to approve the Development Agreement for Westridge Development East subject to final review by City Attorney. Seconded by Alderman Hegeman.

Motion by Alderman Harenda to defer to next meeting. Seconded by Alderman Ament and carried with Alderman Gallagher voting no.

MAYORAL APPOINTMENTS

Communications Committee

Motion by Alderman Ament to approve the appointment of Cynthia C Reynolds to the Communications Committee with the term expiring 12-31-06. Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

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

No action taken.

Resolution No. 06-11 Establishing Policies For The Use of City Hall Facilities And For The Use of The City Government Access Cable Channel /DEFERRED 3-28-06

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

+++++

CONSENT AGENDA

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

MINUTES - Common Council minutes from March 28, 2006.

UTILITY AND FINANCE

Approval of Water Utility claims in the amount of \$290,871.36, Sewer Utility claims in the amount of \$270,215.09, of that amount \$219,698.00 represents payment to MMSD and Bi-weekly claims in the amount of \$530,663.32, all of which represents payment to vendors.

LICENSES/PERMITS

Bartender Licenses

Approval of Bartender License for the year 2005-2007 to Duane E Weltzien, Patrick J Molling, Bridget S. Stys, Lindsey S. Featherstone and Tina M Dennis-Hernandez.

MISCELLANEOUS

Discussion on Greenfield Avenue reconstruction project/No discussion took place.

Approval to close National Avenue from 11:00 AM to 7:00 PM west of Barton Road to West Side Pub for New Berlin Historic Day – Sunday, September 10th from 12 Noon to 6:00 PM (Sunday after Labor Day)

Approval of a Contract with PropertyRoom.com in order that it can act as the online auctioneer of the abandoned property in the Police Department's possession.

Approval of a Public Hearing for May 1st, 2006 at 6:00 p.m. to be held before the Plan Commission for Tom Donovan from TRD Real Estate LLC who has filed a petition to rezone the property located at approximately 17910 W. Observatory from R-1/R-2/C-1 to R-1/R-2/C-1 to remove and Field Delineate the C-1 Zoning District.

Approval of a Public Hearing for May 1st, 2006 at 6:01 p.m. to be held before the Plan Commission for Michael Schober on behalf of Tiziani Golf Car Corporation who has filed a petition to rezone the property from Q-1/PUD to Q-1/PUD located at approximately 14485 S. Racine Avenue. This will amend the previously approved Q-1/PUD Ordinance No. 1046 to more accurately reflect the legal description of the property and to include additional permitted uses for Lot 1.

Approval of Resolution No. 06-12 Establish new Plumbing & Electrical Permit Fees and to accept and approve of the revisions made to the established Developer Deposit Fee Structure and become effective no later than May 1, 2006.

Continued discussion on: Finance Policies; 2007 – CIP Budget and 5-year Strategic Financial Planning/No action took place.

+++++

ITEM/S REMOVED FROM CONSENT AGENDA

DEFERRED/TABLED ITEMS

Approval of 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 with Aldermen Harenda, Hegeman and Ament 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 2nd 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) (c) (e) and (g) of the Wisconsin State Statutes.

Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; more specifically Pay Plan Consultant study and recommendations for non-represented employees;

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 Collective Bargaining – AFSCME Union contract ratification.

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 and Walgreen Excessive Assessment Claim.

Motion by Alderman Ament to go to Closed Session at 8:32 PM. Seconded by Alderman Gallagher and carried unanimously per roll call vote.

Motion by Alderman Augustine to reconvene in Open Session at 9:50 PM. Seconded by Alderman Moore and carried unanimously.

OPEN SESSION

Discussion and possible action on the following items:

Possible ratification of the AFSCME Union contract

Motion by Alderman Hopkins to approve the AFSCME contract. Seconded by Alderman Moore and carried unanimously.

Possible adoption of the Pay Plan for non-represented employees

Motion by Alderman Augustine to approve the Pay Plan for non-represented employees. Seconded by Alderman Hopkins and carried unanimously.

Walgreen Excessive Assessment Claim

Motion by Alderman Moore to deny Walgreen Excessive Assessment Claim. Seconded by Alderman Hegeman 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 Ament to adjourn at 9:56 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk