

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, May 9, 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 7:42 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on Thursday, May 4, 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 and Planning Services Manager Nikki Jones.

REPORTS

City Clerk – none

Council President – Alderman Harenda presented a handout with Council appointments and Committee of the Whole liaison appointments.

Mayor – none

City Attorney - none

COMMUNICATIONS

John Culotta Claim - referred to City Attorney

Greg Glowienka Claim - referred to City Attorney

Duane Schlotke Claim - referred to City Attorney

PLAN COMMISSION

Ordinance #2311 that approves the rezoning of the property located at 15250 W. Cleveland Avenue from I-1 and R-5 to R-4 and I-1

Motion by Alderman Ament to adopt Ordinance #2311 that approves the rezoning of the property located at 15250 W. Cleveland Avenue from I-1 and R-5 to R-4 and I-1 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Certified Survey Map for the property located at 15250 W. Cleveland Avenue

Motion by Alderman Ament to approve the 2-lot Certified Survey Map for the property located at 15250 W. Cleveland Avenue and accept the Plan Commission Report. Seconded by Alderman Augustine and carried unanimously.

Certified Survey Map for the property located at 16880 Wynfield Court

Motion by Alderman Ament to approve the 1-lot Certified Survey Map for the property located at 16880 Wynfield Court and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Certified Survey Map for the property located at 17910 W. Observatory Road

Motion by Alderman Ament to approve the 4-lot Certified Survey Map for the property located at 17910 W. Observatory Road and accept the Plan Commission Report. Seconded by Alderman Hegeman.

Motion by Alderman Ament to amend the request/approval to eliminate Condition #7 and modify #6 by retaining the verbiage "See condition 7" and reference the letter written by Attorney Patricia Schober representing the owner, Scott Funk. Seconded by Alderman Moore and carried unanimously.

UTILITY COMMITTEE

Award the Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing in Gatewood Subdivision to the lowest responsive and responsible bidder

Motion by Alderman Gallagher to Award the Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing in Gatewood Subdivision to the lowest responsive and responsible bidder, Visu-Sewer Clean & Seal, in the amount of \$629,520.50, for a total project cost not to exceed

\$659,520.50. Source of Funds: Wastewater Account 81001131.52030. Seconded by Alderman Moore and carried unanimously.

MAYORAL APPOINTMENTS

Board of Appeals

Motion by Alderman Ament to approve the re-appointment of Brian W McGrath with term expiring 4-30-2009. Seconded by Alderman Hegeman and carried unanimously.

Community Development Authority

Motion by Alderman Hegeman to approve the re-appointment of John Fillar with term expiring 5-31-2010. Seconded by Alderman Ament and carried unanimously.

Electrical Review Board

Motion by Alderman Ament to approve the appointment of Warren C Haut with term expiring 8-31-2007/Completing term of Jack Dahlke. Seconded by Alderman Augustine and carried unanimously.

Parks Recreation and Forestry

Motion by Alderman Hopkins to approve the re-appointment of Paul J Gihring with term expiring 4-30-2009. Seconded by Alderman Moore and carried unanimously.

Plan Commission

Motion by Alderman Hegeman to approve the re-appointment of Brian J Felda with term expiring 4-30-2009. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to approve the re-appointment of H. Lee Sisson with term expiring 4-30-2009. Seconded by Alderman Ament and carried unanimously.

Safety Commission

Motion by Alderman Hegeman to approve the re-appointment of Lynne A Dahlvik with term expiring 4-30-2008. 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. See below.

Borrowing of funds to finance design and construction need to meet the Radium Consent Order set by the DNR/DEFERRED 4-11-06/TABLED 4-25-06

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/TABLED 4-11-06/REFERRED TO COMMUNICATIONS COMMITTEE 4-25-06

No action taken.

Placement of a temporary block or gate at Cottonwood Drive and Wilbur Drive/REFERRED TO BPW AND PLAN COMMISSION

No action taken.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from April 25, 2006.

UTILITY AND FINANCE

Approval of Water Utility claims in the amount of \$254,345.62, Sewer Utility claims in the amount of \$21,343.53 and Bi-weekly claims in the amount of \$734,968.59, all of which represents payment to vendors.

LICENSES/PERMITS

Bartender Licenses

Approval of Bartender License for the year 2005-2007 Ismael Lopez Jr.

Approval of Bartender License for the year 2005-2007 to Hector Mariano Cano, Jeffrey David Kraft, Kerri Ann Rick and Douglas Charles Woeckener.

Fireworks Permit

Approval to issue a Fireworks Permit to Mary Jane Witty for an event at Eisenhower Middle School/Graduation Show on Friday, June 2nd at 4333 S Sunny Slope Road and waive the Fire Department fees.

Amendment to "Class B" Retailers License/Extension of Premise

Approval of the amendment to the "Class B" Retailers License to include the "Back Lot Area" for Matty's Bar & Grille, 14460 W. College Ave., on Friday, August 18, 2006 from 3:00 PM to 1:00 AM, Saturday, August 19, 2006 from 3:00 PM to 1:00 AM, and Sunday, August 20, 2006 from 1:00 PM to 11:00 PM. (Live music on Friday from 8:00 PM to 12:00 AM, Saturday from 1:00 PM to 12:00 AM and Sunday from 1:00 PM to 11:00 PM). Owner must provide trained staff to provide traffic control for pedestrians crossing College Ave., the staff must wear a fluorescent safety vests (flashlight at night) and they must be sober. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment and/or live music.

MISCELLANEOUS

Discussion on Greenfield Avenue reconstruction project/No discussion or action.

Approval of Resolution 06-20 A Resolution Transferring Approved Funds from the Contingency Account to the Mileage Fund Account for the Use of Personal Vehicle Mileage Allowance

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ITEM/S REMOVED FROM CONSENT AGENDA:

DEFERRED/TABLED ITEMS

Amendment to "Class B" Retailers License/Extension of Premise and Loud Speaker Permit/DEFERRED 4-25-06

Request for Approval by Jennifer Jones, co-owner of Calhoun Station at 1849 S Calhoun Road and Kevin Larsen, owner of Senor Lunas at 1901 S Calhoun Road for Saturday, September 2, 2006 from 12 Noon to 11 PM and Sunday, September 3, 2006 from 12 Noon to 11 PM for an outdoor music festival with food, beer and liquor and carnival type concessions on the property. Owners 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 owners 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.

Motion by Alderman Harenda to table. Seconded by Alderman Hegeman and carried with Alderman Gallagher voting no.

ORDINANCES/RESOLUTIONS

None.

Mayor Chiovatero indicated there is no reason to go to closed session.

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.

- (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: Sts Constantine & Helen Greek Orthodox Church.

OPEN SESSION

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 8:02 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk