

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, May 23, 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 8:45 PM after the Committee of the Whole and Privilege of the Floor.

***This meeting was noticed on Thursday, May 18, 2006 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

**REPORTS**

City Clerk – none

Council President – Alderman Harenda read into the record the Council Appointments & Committee of the Whole Liaison Appointments, copy on file in the City Clerk's office.

Mayor – 3<sup>rd</sup> installation of tax payments are due Wednesday, May 31<sup>st</sup>. Tortoise & Hare Race sponsored by the City Library is this weekend. Memorial Day ceremony is at 11AM on Monday, May 29<sup>th</sup> at Highland Memorial Park

City Attorney - none

**COMMUNICATIONS – none**

**BOARD OF PUBLIC WORKS**

**Phase I of the 2006 Roadway Maintenance Program**

Motion by Alderman Augustine to award a construction contract to the lowest responsive, responsible bidder, WM Beaudoin & Sons, Inc for Phase I of the 2006 Roadway Maintenance Program in an amount not to exceed \$1,001,333.80. Seconded by Alderman Gallagher and carried with Alderman Ament voting no.

*Note: Per City Engineer JP Walker, there is no Phase II. This is the only Roadway Maintenance Program for 2006 with approved budgeted dollars.*

**UTILITY COMMITTEE**

**Engineering Agreement for the design work to reconstruct Wells Nos. 3, 5 & 7 to comply with the Radium Consent Order**

Alderman Gallagher indicated the above item was tabled by the Utility Committee.

Motion by Alderman Gallagher to table Item UT 08-06 (above). Seconded by Alderman Ament and carried unanimously.

**Transfer of Funds from Water Utility 2004 CIP Funds for Forest View Subdivision to Water Utility Account #107**

Motion by Alderman Gallagher to approve a Transfer of Funds from Water Utility 2004 CIP Funds for Forest View Subdivision to Water Utility Account #107 in the amount of \$250,000 to cover the cost of the Engineering Agreement for the design work for the reconstruction of the City of New Berlin Wells Nos. 3, 5 and 7 to meet the Radium Consent Order. Seconded by Alderman Harenda and carried unanimously.

**SAFETY COMMISSION**

**Resolution No. 06-23 To Change The Parking Restrictions At Glen Park Elementary School.**

Motion by Alderman Hegeman to approve Resolution No. 06-23. Seconded by Alderman Ament.

Motion by Alderman Gallagher to table. Seconded by Hopkins and carried unanimously.

**MAYORAL APPOINTMENTS**

**Youth Advisory Board**

Motion by Alderman Ament to approve the appointment of Kelly Chiovaturo – Mayor's appointment with term ending 5-31-2008. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Harenda to approve the re-appointment of Theodore Schober – District #4 re-appointment with term ending 5-31-2008. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of Rachel Ignasiak – District #7 re-appointment with term ending 5-31-2007. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Hopkins to approve the re-appointment of Lauren Novak – District #1 re-appointment with term ending 5-31-2008. 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.

**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**

Motion by Alderman Ament to remove from the table. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Ament to remove from the agenda. Seconded by Alderman Gallagher and carried unanimously.

**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**

Motion by Alderman Hopkins to remove Resolution No. 06-11 from the table. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to approve Resolution No. 06-11. Seconded by Alderman Harenda.

Motion by Alderman Moore to divide the question into 2 separate policies. Seconded by Alderman Harenda and carried unanimously.

**Use of City Hall Facilities Policy:**

Motion by Alderman Moore to approve the Use of City Hall Facilities Policy deleting the verbiage “non editorial” from Scope and Application and adding the word “His/” prior to “her designee” in 2 places under Policy (bottom of page). Seconded by Alderman Augustine and carried with Aldermen Gallagher and Ament voting no.

**Use of the City Government Access Cable Channel Policy:**

Motion by Alderman Harenda to approve Use of the City Government Access Cable Channel Policy. Seconded by Alderman Hopkins.

Motion by Alderman Moore to amend the motion to add the verbiage that starts with “The only broadcast which shall be permitted from a non-governmental source shall be the City Christmas parade and Voters Forum, etc but deleting the phrase within that paragraph that reads: “produced by non partisan groups recognized by the City, which afford equal time to all candidates on the official ballot” and adding the word “His/” prior to “her designee” within Policy back to the Use of the City Government Access Cable Channel Policy.

Motion dies for lack of a second.

Motion by Alderman Moore to amend the motion to remove the word “non-editorial” in Scope and Application. Seconded by Alderman Augustine and carried with Alderman Ament voting no.

Motion by Augustine to amend the Government Access Cable Channel Policy by adding back the verbiage that starts with “The only broadcast which shall be permitted from a non-governmental source shall be the City Christmas parade and Voters Forum, etc but deleting the phrase within that paragraph that reads: “produced by non partisan groups recognized by the City, which afford equal time to all candidates on the official ballot”. Seconded by Alderman Moore.

Motion failed with Aldermen Augustine, Hegeman and Moore voting yes.

Motion by Alderman Gallagher to end debate and call for the question. Seconded by Alderman Harenda and carried with Aldermen Moore and Ament voting no.

Upon voting on the original motion as amended to remove the word "non-editorial" in Scope and Application within the City Government Access Cable Channel Policy, the motion carried with Alderman Moore voting no.

**Use of City Hall Facilities Policy:**

Motion by Alderman Harenda to reconsider his vote on the Use of City Hall Facilities. Seconded by Alderman Hopkins and carried with Aldermen Gallagher and Moore voting no.

Motion by Alderman Harenda to direct the City Attorney to redline the Use of City Hall Facilities Policy to match the City Government Access Cable Channel Policy. Seconded by Alderman Hopkins and carried with Aldermen Augustine and Moore voting no.

*Mayor Chiovaturo indicated the Use of City Hall Facilities Policy will come back for re-consideration on the next agenda.*

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

**MINUTES** - Common Council minutes from May 9, 2006.

**UTILITY AND FINANCE**

Approval of Water Utility claims in the amount of \$18,177.08, Sewer Utility claims in the amount of \$65,607.34 and Bi-weekly claims in the amount of \$309,319.84, all of which represents payment to vendors.

**LICENSES/PERMITS**

**Bartender Licenses**

Approval of Bartender License for the year 2005-2007 to Richard C Burdick, Natalie Grace Cook and Vanessa Marie Meyer

**MISCELLANEOUS**

Discussion on Greenfield Avenue reconstruction project/No discussion.

Approval of amended Resolution No. 06-24 A Resolution Authorizing the City of New Berlin to Borrow the Sum of \$4,425,000 (amended to \$4,370,000) by Issuing General Obligation Promissory Notes, Pursuant to Section 67.12 (12) of the Wisconsin State Statutes and Authorizing the Sale of the Notes.

Approval of amended Resolution No. 06-25 A Resolution Authorizing the Sale of \$1,855,000 (amended to \$1,835,000) General Obligation Fire Station Bonds, Series 2006B

Approval of Resolution No. 06-21 Authorizing The City of New Berlin Fire Department To Implement A Paramedic Program.

Approval to Set a Public Hearing date before Plan Commission on Monday, June 5, 2006 regarding a petition filed by Mr. Honeyager, Mr Farrell and Mr Kascian to rezone the property located at approximately 3949 S Honeyager Lane, 14201 W Farrell Drive and 14300 Howard Avenue.

**DEFERRED/TABLED ITEMS**

**Amendment to "Class B" Retailers License/Extension of Premise and Loud Speaker Permit/DEFERRED 4-25-06/TABLED 5-9-06**

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

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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/Remains on the table.

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**ITEM/S REMOVED FROM CONSENT AGENDA**

Nothing removed.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2312 TO AMEND SECTION 152-18 LICENSING AND PERMITS OF THE MUNICIPAL CODE OF THE CITY OF NEW BERLIN RELATED TO MASSAGE ESTABLISHMENTS (1<sup>st</sup> reading)**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading.

Mayor Chiovatero indicated a Closed Session will not be held.

**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.

**OPEN SESSION**

**DEFERRALS, REFERRAL & TABLED ITEMS**

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

No action taken.

**ADJOURN**

Motion by Alderman Hopkins to adjourn at 10:20 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk