

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, June 27, 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 7:49 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on Thursday, June 22, 2006 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

REPORTS

City Clerk – none

Council President - none

Mayor – Mayor Chiovatero indicated he is working with other municipalities to discuss consolidation of services between municipalities, i.e. police, street repair, paramedic, etc. He is looking for partnerships however everything would come before Council.

City Attorney - none

COMMUNICATIONS - none

BOARD OF PUBLIC WORKS

Development Agreement for Woodridge Community Church

Motion by Alderman Augustine to approve the Development Agreement for Woodridge Community Church subject to final review by the City Attorney. Seconded by Alderman Ament and carried unanimously.

Contract for Restoration along Egofske Road and Grange Avenue

Motion by Alderman Augustine to award the Construction Contract for Restoration along Egofske Road and Grange Avenue to Central Services Company, Inc at 3240 Wehr Road for completion of restoration work along Egofske Road and Grange Avenue in an amount not to exceed \$42,375.30 with source of funds from the 2006 Roadway Maintenance account. Seconded by Alderman Moore and carried unanimously.

Traffic Volume and Speed on Wilbur Drive/control options

Motion by Alderman Augustine to defer to next meeting. Seconded by Alderman Ament and carried unanimously.

PARK RECREATION & FORESTRY

ProHealth Care Park Basketball Court Construction Project

Motion by Alderman Moore to award the contract to Payne & Dolan Inc in the amount of \$33,791.50 for the ProHealth Care Park Basketball Court Construction Project. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

WATER RESOURCE MANAGEMENT (STORMWATER)

City Center Pond #5 Construction

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

MAYORAL APPOINTMENTS

Civil Service Commission

Motion by Alderman Moore to approve the re-appointment of Gary G Gray with term expiring 6-30-2011. Seconded by Alderman Hopkins and carried unanimously.

Special Assessment Review Committee

Motion by Alderman Ament to approve the re-appointment of Robert A Hoelzl with term expiring 4-1-2009. Seconded by Alderman Harenda and carried unanimously.

Youth Advisory Board

Motion by Alderman Hopkins to approve Rebecca Wehr – D#1 with term expiring 5-31-2008. 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.

Placement of a temporary block or gate at Cottonwood Drive and Wilbur Drive/REFERRED TO BPW AND PLAN COMMISSION 4-25-06

No action taken.

Ordinance No. 2316 that denies the rezoning of property known as Tiziani located at 4485 S. Racine Avenue to 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 only with the Q-1/PUD for Parcel No. 1231.996.003/REFERRED BACK TO PLAN COMMISSION 6-13-06

No action taken.

Resolution No. 06-27 Establishing License Fees For Amusement Devices, Coin Machines and Amusement Distributor/Vendor/TABLED 6-13-06

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 Augustine and carried unanimously.

MINUTES - Common Council minutes from June 13, 2006.

UTILITY AND FINANCE

Water Utility claims in the amount of \$42,151.93, Sewer Utility claims in the amount of \$313,623.41, of that amount \$287,793.33 represents payment to MMSD and Bi-weekly claims in the amount of \$620,834.43, all of which represents payment to vendors.

LICENSES/PERMITS

Bartenders

Bartender Licenses for the year 2006-2008 to Leander Anthony Knight
Renewal Bartender License for the year 2006-2008 to Donna Lynn Sherman
Approval of Bartender Licenses for the year 2006-2008 to Rosalin M Rodriguez, Abby Lynn Zinkel, Robert E Reinke, Sarah A Kreger, Devon G Piernot, Elizabeth A Burnhum and Mark M DeMoss

Class "A" Beer

Approval for Sunrise Citgo of New Berlin, Ramzan Charania, Agent, 13975 W Cleveland Avenue

"Class B" Retailers License

Approval for China Dragon Restaurant, Xizo Huan Huang, Agent, 15820 W National Avenue
Approval for Noodle Shop Co-Colorado, Inc d/b/a Noodles & Company, Wayne Kimmell, Agent, 15630 W National Avenue

MISCELLANEOUS

Approval to cancel the July 11th Council Meeting.
Approval to set a public hearing date for July 10th, 2006 at 6:00 p.m. to be held before the Plan Commission for Mr. and Mrs. Krahn who have filed a petition to rezone the property located at approximately 18900 W. Lincoln Ave. from M-1/C-1 and C-2 to M-1/C-1/C-2 to Field Delineate the C-2 Zoning District.
Approval to set a public hearing date for July 10th, 2006 at 6:01 p.m. to be held before the Plan Commission for Mr. and Mrs. Johnson who have filed a petition to rezone the property located at approximately 18665 W. Coffee Rd. from A-2, C-1 and C-2 to R-1/R-2, C-1 and C-2 and to Field Delineate the C-2 Zoning District.
Approval to set a public hearing date for July 10th, 2006 at 6:02 p.m. to be held before the Plan Commission for Mr. Hollman who have filed a petition to rezone the property located at approximately 4245 S. Sunny Slope

Road from R-4.5 and C-2 to R-4.5 and C-2 to Field Delineate the C-2 Zoning District.
Approval to set a public hearing date for July 10th, 2006 at 6:03 p.m. to be held before the Plan Commission for Mr. Wimmer who has filed a petition to rezone the property located at approximately 5611 S. Calhoun Road from A-2 to R-1/R-2.
Approval to fill the position of Director of Information Technology.
Approval banding for the Deputy Library Director position.

DEFERRED/TABLED ITEMS

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ITEM/S REMOVED FROM CONSENT AGENDA

None.

ORDINANCES/RESOLUTIONS

Ordinance No. 2312 To Amend Section 152-18 Licenses And Permits Of The Municipal Code Of The City Of New Berlin Related To Massage Establishments (3rd reading)

Motion by Alderman Ament to adopt Ordinance No. 2312. Seconded by Alderman Hopkins and carried unanimously.

Ordinance No. 2314 Amend Section 152-1 (D) Licenses And Permits Of the Municipal Code of The City of New Berlin Pertaining To License Fees (2nd reading)

Mayor Chiovatere indicated this is the 2nd reading.

Ordinance No. 2315 Create Section 152-20 Licenses And Permits of the Municipal Code of The City of New Berlin Concerning Amusement Devices, Coin Machines and Amusement Distributor/Vendor (2nd reading)

Mayor Chiovatere indicated this is the 2nd reading. Alderman Moore requested removing the verbiage "primary use" from Section 1 of this ordinance prior to the 3rd reading.

Ordinance No. 2320 To Create Section 124-12 (I) (6) Fire Prevention of the Municipal Code of the City of New Berlin Concerning Restrictions on Property Owners Use of Fireworks (2nd reading)

Mayor Chiovatere indicated this is the 2nd reading.

Motion by Alderman Augustine to waive the 3rd reading. Seconded by Alderman Hopkins, vote was a 3 to 3 tie with Mayor Chiovatere breaking the tie and voting yes therefore motion carried with Aldermen Gallagher, Harenda and Ament voting no.

Motion by Alderman Augustine to adopt Ordinance No. 2320 with a verbiage change from "residential property" to "real property" in Section 1. Seconded by Alderman Moore, vote was a 3 to 3 tie with Mayor Chiovatere breaking the tie and voting no therefore motion failed with Aldermen Hopkins, Augustine and Moore voting yes.

City Clerk Gauger reading the following:

CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (g) and (e) 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 and 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: Sts Constantine & Helen Greek Orthodox Church; negotiations concerning assignment of indemnification responsibilities for property at 17165 West Glendale Drive and negotiations concerning sharing of costs of construction for Regal Manor Lift Station.

Motion by Alderman Ament to go to Closed Session at 8:35 PM. Seconded by Alderman Augustine and carried unanimously per roll call vote.

Motion by Alderman Augustine to reconvene in Open Session at 8:50 PM. Seconded by Alderman Ament and carried unanimously.

OPEN SESSION

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

No action taken.

Discussion and possible action of indemnification of responsibilities for property at 17165 West Glendale Drive

Motion by Alderman Harenda to reject assignment of indemnification of responsibilities for property at 17165 West Glendale Drive for future owners of the property. Seconded by Alderman Augustine and carried unanimously.

Discussion and possible action to award contract for construction of improvement for Regal Manor Lift Station

Motion by Alderman Gallagher to approve the Contract for the cost of Construction of Improvements to Regal Manor Life Station to the lowest responsive, responsible bidder L.W. Allen Company in the amount of \$70,993, with a not to exceed price of \$74,542.65 and source of funds: Sewer Impact Fees for the Utility portion of 66% not to exceed \$49,198.00 and the remaining 34% of the contract is to be paid by the New Berlin School District with a request the New Berlin School District acknowledges (written statement from them) that is the correct percentage. Seconded by Alderman Augustine carried with Alderman Ament voting no.

ADJOURN

Motion by Alderman Amen to adjourn at 9:00 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk