

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, October 24, 2006**

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

Mayor Jack F Chiovero called the City of New Berlin Common Council Meeting to order at 10:20 PM after the Budget Public Hearing, Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Gallagher, Harendra, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, City Engineer JP Walker and Park, Recreation and Forestry Director Mark Schroeder.

***This meeting was noticed on Thursday, October 19, 2006 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

City Clerk – The election is Tuesday, November 7<sup>th</sup> – 2 weeks from today. The polls are open from 7AM to 8PM. The City Clerk's office is open until 7PM on Tuesday, October 31<sup>st</sup> and Wednesday, November 1<sup>st</sup> for registering and absentee voting. Please call us if you need information on your Voting District and Polling Place location.

Fright Night is Friday, October 27<sup>th</sup>/pre-register with Park and Recreation. Trick or Treat Hours are Sunday, October 29 from 4PM to 7PM. The City Wide Halloween Party is Sunday, October 29<sup>th</sup> at Hickory Grove Center from 10AM to 1PM.

Christmas Parade is Saturday, November 11<sup>th</sup> at 4PM. The Christmas Tree Lighting Ceremony will follow the Christmas parade at National Avenue and Casper Drive.

Council President – Fire Prevention Month – please install smoke detectors and check the batteries twice a year. The WDNR is doing samplers during the burning season and looking at alternatives to burning of leaves.

Mayor – none

City Attorney - none

**COMMUNICATIONS**

None

**PARK RECREATION & FORESTRY COMMISSION**

**Agreement for donation of Real Estate for the Mary Ella Milham**

Motion by Alderman Moore to approve the Agreement for donation of Real Estate for the Mary Ella Milham property for future park site. Seconded by Alderman Ament and carried unanimously.

**UTILITY COMMITTEE**

**Wastewater Utility 2007 Operating Budget**

Motion by Alderman Gallagher to approve the Wastewater Utility 2007 Operating Budget in the amount of \$8,690,345. Seconded by Alderman Harendra and carried unanimously.

**Public Hearing Date to start the Special Assessment process and consider Resolution No. 06 - 42**

Motion by Alderman Gallagher to set a Public Hearing Date of Tuesday, November 14, 2006 at 7:00 PM in Council Chambers to start the Special Assessment process and consider Resolution No.06 - 42 "A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to prepare a report for the Installation of Sanitary Sewer Along Howard Avenue west of Sunny Slope Road in the Howard Avenue Assessment District". Seconded by Alderman Hegeman and carried unanimously.

**MAYORAL APPOINTMENTS**

**Utility Committee**

Motion by Alderman Augustine to re-appoint Robert J Dude with term expiring 10-31-2008. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Hegeman to re-appoint James F Morrissey with term expiring 10-31-2008. Seconded by Alderman Hopkins and carried unanimously.

**BUDGET**

**Recommendation from Committee of the Whole to approve the 2007 CIP Budget in the amount of \$4,732,000.**

No action taken, next agenda.

**DEFERRALS, REFERRAL & TABLED ITEMS**

None.

++++  
**CONSENT AGENDA**

Motion by Alderman Ament to approve the following items listed on the Consent Agenda. Seconded by Alderman Augustine and carried unanimously.

**MINUTES** - Common Council minutes from October 10, 2006

**UTILITY AND FINANCE**

- Water Utility claims in the amount of \$44,012.17, Sewer Utility claims in the amount of \$54,093.99 and Bi-weekly claims in the amount of \$687,426.27, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender License for the year 2006-2008 to Jeanine L. Bierle, Stacy E. Geskermann and Nadine J. Trauth

**Class A Beer & Wine License**

- Stonefire Pizza Company, David Church, Agent/5320 S Moorland Road/expiring 6-30-2007.

**MISCELLANEOUS**

- Amend City Clerk budget to add dollars for part time assistance due to the additional hours of data entry as a result of the Statewide Voter Registration System.
- Approve 2007 City of New Berlin Operating Budget/**no action taken.**

**DEFERRED, REFERRED & TABLED ITEMS**

None

++++  
**ITEM/S REMOVED FROM CONSENT AGENDA**

**Review City Code Chapter 152-4 H. (2) and 152-4 K (4) (a) for compliance with approved license for Sunrise Citgo and determine if the Code should be amended to allow gas station/convenience stores to sell beer and/or liquor within a separate area (partitioned) with submittal of a Plan of Operation and Site Plan.**

Motion by Alderman Moore to rescind the current license as of 12-1-06 at midnight based on the existing City Code as written. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

**Approve funding not to exceed \$30,000 to hire a police consultant to review that department's staffing and service levels.**

Motion by Alderman Augustine to approve funding from the 2006 budget not to exceed \$30,000 to hire police consultant to review that department's staffing and service levels. Seconded by Alderman Hegeman and carried with Alderman Gallagher voting no.

**ORDINANCES/RESOLUTIONS**

None.

---

*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: CVMIC Settlement Claim

Motion by Alderman Hopkins to go to Closed Session at 10:45 PM. Seconded by Alderman Augustine and carried unanimously per roll call vote.

Motion by Alderman Augustine to reconvene in Open Session at 10:56 PM. Seconded by Alderman Hopkins and carried unanimously.

**OPEN SESSION**

**CVMIC Settlement Claim**

None.

**ADJOURN**

Motion by Alderman Augustine to adjourn at 10:57PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk