

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, March 8, 2005**

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

Mayor Telesfore P Wysocki called the City of New Berlin Common Council to order at 7:28 PM after Privilege of the Floor and Committee of the Whole.

This meeting was noticed on March 3, 2005 and amended on March 7, 2005 in accordance with the Open Meeting law.

Those present recited the Pledge of Allegiance and a short invocation was made.

ROLL CALL: Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, Deputy City Clerk Sherry Grant and Director of Utilities and Streets Ray Grzys.

REPORTS

City Clerk – The Spring Election is Tuesday, April 5, 2005. Ballots should be available March 15. You may Absentee vote and Register to vote in the City Clerk’s office during normal business hours Monday to Friday from 8:00 AM to 4:30 PM. Extended hours for absentee voting and register in the City Clerk’s office are March 22 and March 23 til 7PM.

The next Forum is March 12, 2005 – School Board candidates from 2:00 to 3:00 PM and Aldermanic candidates from 3:00 to 4:00 PM in Council Chambers. The Forums tape will be re-played for 2 weekends from Friday to Monday on March 25th and April 1st on City Cable Channel 25. Those dates are also advertised on the cable channel.

Council President - none
Mayor - none
City Attorney - none

COMMUNICATIONS - none

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Utility Committee

Motion by Alderman Gallagher to accept the Utility Committee recommendation not to reject all bids received for the proposed Project K-366 on February 23, 2005. Seconded by Alderman Harenda and carried with Alderman Harenda voting no.

MAYORAL APPOINTMENTS

Motion by Alderman Ament to approve the re-appointment of Denis J Wager to the Special Assessment Review Committee with the term expiring 4-1-08. Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

ORDINANCES/RESOLUTIONS

Ordinance No. 2257 To Amend Section 6-1(A) of the Municipal Code of the City of New Berlin Board of Public Works Membership TABLED 2-8-05 after 1st reading
No action taken.

Ordinance No. 2256 Amending Section 201-8 of the City of New Berlin Municipal Code Concerning The Grading and Drainage of Property. (3rd reading) DEFERRED 2-22-05

Motion by Alderman Harenda to adopt Ordinance No. 2256. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

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CONSENT AGENDA

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

MINUTES

Common Council Minutes of Meeting held February 22, 2005

UTILITY AND FINANCE

Claims

Request for Approval of Water Utility claims in the amount of \$291,715.52, Sewer Utility claims in the amount of \$33,789.73, and Bi-weekly claims in the amount of \$955,109.66, all of which represents payment to vendors.

LICENSES

Bartenders

Request for Approval of Bartender License for the year 2004-2006 to John A. Hughes.

Request for Approval of Bartender Licenses for the year 2004-2006 to Rachel A. Balzer, Heather R. Booms, Katie D. Giesfeldt, Paul W. Hein, Jennifer R. Pagac and Whitney A. Vellinga.

Class "B" Beer

Request for Approval of CEBB, Limited/17980 W Beloit Road (concession stand on VFW Property)Agent Bruce Geiger

"Class B" Retailers

Request for Approval of Roadhouse of New Berlin, LLC - d/b/a Texas Roadhouse/15425 West Ridge Road/Agent Gerard Allen Cruz

Request for Approval of Reserve "Class B" Alcohol Beverage Grant/Texas Roadhouse

MISCELLANEOUS

Request for Approval from legal counsel of the Developer to change the name of the limited liability corporation from TomDee, LLC to Victoria Estates, LLC

Request for Approval Resolution No. 05-10 Authorizing a Consent Form and Affidavit of Correction to rename Coffee Street within the City Center Development to Michelle Witmer Memorial Drive

Request for Approval of waiver of penalty from 2004 Property Tax Bill for #1199.095/13600 W Fountain Ct.

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; Bankruptcy Settlement Claim/K-Mart Corporation.

Motion by Alderman Hopkins to go to Closed Session at 7:40 PM. Seconded by Alderman Augustine and carried per roll call vote.

Motion by Alderman Gallagher to reconvene in Open Session at 7:45 PM. Seconded by Alderman Hopkins and carried unanimously.

OPEN SESSION

Discussion and possible action on the K-Mart Corporation Bankruptcy Settlement Claim

Motion by Alderman Hegeman to authorize the City Attorney to accept the settlement for 90% of \$29,354.31 for the net amount of \$26,428.87 which is a \$4,400.00 increase of the previous offer. Seconded by Alderman Ament and carried unanimously.

ADJOURN

Motion by Alderman Hopkins to adjourn at 7:48 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC
City Clerk