

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL MEETING  
Tuesday, April 26, 2005**

**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 to order at 8:05 PM after Privilege of the Floor and Committee of the Whole.

***This meeting was noticed on April 21, 2005 in accordance with the Open Meeting law.***

Those present recited the Pledge of Allegiance and Mayor Chiovero asked that we keep the family of Shirley Mueller in our thoughts and prayers. Shirley was an employee of the City for 35 years and passed away recently.

**ROLL CALL:** Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger and City Assessor Paul Koller.

**REPORTS**

City Clerk – none

Council President – Alderman Harenda congratulated City Clerk Marilyn Gauger for receiving a Gold Award from the Wisconsin Municipal Clerks Association for numerous hours of education towards the Clerk's profession.

Alderman Harenda spoke of City employee Shirley Mueller who passed away recently. She was the 1<sup>st</sup> woman to serve as an Alderman from 1973 to 1976. She served on the 4<sup>th</sup> of July Committee and was a member of the Crime Prevention Committee from 1972 to present. Shirley and her husband, who recently passed, founded "The Lord's Table" church in 1997.

Mayor – Mayor Chiovero indicated he had an interesting and exciting 1<sup>st</sup> week. He thanked everyone for their phone calls and emails of congratulations. Staff made him feel very welcomed in City Hall and he is looking forward to a positive transition.

City Attorney - none

**COMMUNICATIONS**

**LaVerne Gebhard/Beloit Road towers issue**

Mayor Chiovero indicated this correspondence will be referred to Planning and Inspection Divisions and reported back to Council.

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**COMMUNITY DEVELOPMENT AUTHORITY**

**Resolution No. 05-17 Approval of the New Berlin Industrial Park Monument and Street Signage Package and Contract**

Motion by Alderman Harenda to adopt Resolution No. 05-17 Approval of the New Berlin Industrial Park Monument and Street Signage Package and Contract as identified as Base Bid #1 and Alternative Bid #1 subject to final determination of the cost of power to the monuments for illumination and accept the Community Development Authority report. Seconded by Alderman Augustine and carried unanimously.

**MAYORAL APPOINTMENTS - None**

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Developers Agreement for KASCO PUD South Phase Condominiums subject to receipt of a recorded agreement for constructing public improvements on Howard Avenue/TABLED 4-12-05**

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

Motion by Alderman Hegeman to refer back to Board of Public Works. Seconded by Alderman Hopkins and carried with Aldermen Augustine and Ament voting no.

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

Mayor Chiovero indicated this item will come back after Closed Session.

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**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 1<sup>st</sup> reading**

Motion by Alderman Hopkins to remove from the table. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Ament to refer back to Board of Public Works. Seconded by Alderman Harenda and carried unanimously.

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**CONSENT AGENDA**

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

**MINUTES**

Common Council Minutes of Meeting held April 12, 2005  
Special Common Council Minutes of Meeting held April 19, 2005

**UTILITY AND FINANCE**

**Claims**

Water Utility claims in the amount of \$40,636.98, Sewer Utility claims in the amount of \$21,963.57 and Bi-weekly claims in the amount of \$603,895.22, all of which represents payment to vendors.

**LICENSES**

**Bartenders**

Bartender License for the year 2004-2006 to Kristina E. Ford  
Bartender License for the year 2004-2006 to Andrew K. Neymeyr.  
Bartender License for the year 2004-2006 to Melissa L. Nicholson.  
Bartender Licenses for the year 2004-2006 to David M Janske, Craig B. Jerkich and Tracy A. Zielinski.

**MISCELLANEOUS**

Waive Interest and Penalty of \$70.56 on Delinquent Taxes/Tax Parcel #1156-085/12816 W Park Avenue.  
Waive Interest and Penalty of \$125.92 on Delinquent Taxes/Tax Parcel #1284-997-001/5985 S Calhoun Road.

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*The following items were removed from the Consent Agenda:*

**MISCELLANEOUS**

**Request for Approval for Bartender License for the year 2004-2006 to Justin M Karpinski.**

Motion by Alderman Ament to recommend to Council approval of Bartender License for the year 2004-2006 to Justin M Karpinski. Seconded by Alderman Hegeman and carried with Aldermen Gallagher, Harenda and Moore voting no.

**Request for Approval to Waive Interest and Penalty of \$80.29 on Delinquent Taxes/Tax Parcel #1239-220/4651 S Hearth Ridge Ct.**

Motion by Alderman Hopkins to recommend to Council denial to Waive Interest and Penalty of \$80.29 on Delinquent Taxes/Tax Parcel #1239-220/4651 S Hearth Ridge Ct. Seconded by Alderman Hegeman and carried with Aldermen Gallagher and Ament voting no and Alderman Moore voting as being present.

**Request for Approval to Waive Interest and Penalty of \$136.28 on Delinquent Taxes/Tax Parcel #1251-147/5230 S Skyline Drive.**

Motion by Alderman Gallagher to recommend to Council approval to Waive Interest and Penalty of \$136.28 on Delinquent Taxes/Tax Parcel #1251-147/5230 S Skyline Drive. Seconded by Alderman Ament and carried with Alderman Moore voting no.

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**Request for Approval to Waive Interest and Penalty of \$73.31 on Delinquent Taxes/Tax Parcel #1193-067/14101 W Lilac Lane.**

Motion by Alderman Augustine to recommend to Council approval to Waive Interest and Penalty of \$73.31 on Delinquent Taxes/Tax Parcel #1193-067/14101 W Lilac Lane. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

**Request for Approval to Waive Interest and Penalty of \$37.23 on Delinquent Taxes/Tax Parcel #1162-208/1516 S 165<sup>th</sup> Street.**

Motion by Alderman Gallagher to recommend to Council approval to Waive Interest and Penalty of \$37.23 on Delinquent Taxes/Tax Parcel #1162-208/1516 S 165<sup>th</sup> Street. Seconded by Alderman Ament and carried with Alderman Harenda and Moore voting no.

**Request for Approval of Resolution No. 05-18 A Resolution To Write Off Uncollectible Ambulance Fees.**

Motion by Alderman Augustine to recommend to Council approval of Resolution No. 05-18 A Resolution To Write Off Uncollectible Ambulance Fees. Seconded by Alderman Ament and carried with Alderman Gallagher voting no.

**Request for Approval of Resolution No. 05-19 A Resolution To Write Off Delinquent Uncollected Personal Property Taxes.**

Motion by Alderman Augustine to recommend to Council approval of Resolution No. 05-19 A Resolution To Write Off Delinquent Uncollected Personal Property Taxes. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Gallagher to reconsider the vote on Resolution No. 05-19. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Augustine to recommend to Council approval of Resolution No. 05-19 A Resolution To Write Off Delinquent Uncollected Personal Property Taxes. Seconded by Alderman Hegeman and carried with Alderman Gallagher voting no.

**TABLED ITEMS**

**Request for Approval of Fireworks Permit for China Dragon/National Avenue for firecrackers for Saturday, May 7, 2005/TABLED 4-12-05**

Motion by Alderman Harenda to remove from the agenda. Seconded by Alderman Hegeman and carried unanimously.

**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; Sts Constantine & Helen Greek Orthodox Church; National Regency Tax Exemption; General Litigation update; State of Wisconsin Claim for sewer overflows**

Motion by Alderman Ament to go to Closed Session at 8:23 PM. Seconded by Alderman Hegeman and carried unanimously per roll call vote.

Motion by Alderman Augustine to reconvene in Open Session at 10:30 PM. Seconded by Alderman Ament and carried unanimously.

**OPEN SESSION**

**Refer back to DEFERRALS, REFERRAL & TABLED ITEMS**

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

**Discussion and possible action on Sts Constantine & Helen Greek Orthodox Church**

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No action taken.

**Discussion and possible action on National Regency Tax Exemption**

No action taken.

**Discussion and possible action on State of Wisconsin Claim for sewer overflows**

No action taken.

**ADJOURN**

Motion by Alderman Hopkins to adjourn at 10:35 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC  
City Clerk