

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL MEETING  
Tuesday, May 24, 2005**

**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 to order at 8:55 PM after Privilege of the Floor and Committee of the Whole.

***This meeting was noticed on May 19, 2005 and amended notices on May 20 and May 23, 2005 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

**ROLL CALL:** Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Finance and Administration Mike Holzinger and Stormwater Division Engineer Eric Nitschke.

**REPORTS**

City Clerk - none

Council President - none

Mayor Chiovaturo indicated he has formed the Advisory Committee for Jay Balchunas; thanked the 2 persons on the Committee and is looking for 2 others.

City Attorney - none

**COMMUNICATIONS - none**

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**SAFETY COMMISSION**

**NO PARKING signs on 159<sup>th</sup> Street**

Motion by Alderman Hegeman to place NO PARKING signs on 159<sup>th</sup> Street north of National Avenue to Churchview Drive on the west side of the street. Seconded by Alderman Ament.

Alderman Ament amended the motion to place the sign on the east side of 159<sup>th</sup> Street. Seconded by Alderman Hegeman and carried unanimously.

Upon voting the original motion, the motion carried unanimously as amended.

**NO PARKING signs for the first 100 to 150 feet on Tiffany Place**

Motion by Alderman Hegeman to place NO PARKING signs for the first 100 to 150 feet on Tiffany Place west of Sunny Slope Road. Seconded by Alderman Harenda.

Alderman Hegeman amended the motion to add the verbiage "up to 14002 Tiffany Place" and remove the verbiage "for the first 100 to 150 feet on". Seconded by Alderman Hopkins and carried unanimously.

Upon voting the original motion, the motion carried unanimously as amended.

**LANDMARKS COMMISSION**

**Landmark Designation and Prospect Hill Historic District Status**

Motion by Alderman Hegeman to approve Landmark Designation and Prospect Hill Historic District Status for the following historical buildings: cupola tower, Winton-Martin house, and gazebo. Seconded by Alderman Ament and carried unanimously.

**STORMWATER COMMITTEE**

**Long-Term Maintenance Procedures per Wisconsin DNR NR-216 regulations**

Motion by Alderman Harenda to approve the Long-Term Maintenance Procedures per Wisconsin DNR NR-216 regulations. Seconded by Alderman Hegeman.

Alderman Moore amended the motion to copy the verbiage from WET DETENTION POND OPERATION AND MAINTENANCE, Section IV A. 2. and 3.; D. 1. and 2.; E. 1. and 2. and place that verbiage in VEGETATED FILTER STRIPS OPERATION AND MAINTENANCE, Section II. After the verbiage in B. Seconded by Alderman Harenda.

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Motion by Alderman Gallagher to end debate (call for the questions). Seconded by Alderman Augustine and carried with Aldermen Moore and Ament voting no.

The amended motion failed with Aldermen Harenda and Moore voting yes.

Upon voting the original motion, the motion carried unanimously.

**Construction Site Inspection and Enforcement Procedures per Wisconsin DNR NR-216 regulations.**

Motion by Alderman Harenda to approve the Construction Site Inspection and Enforcement Procedures per Wisconsin DNR NR-216 regulations. Seconded by Alderman Hegeman and carried unanimously.

**Illicit Discharge Response Procedures per Wisconsin DNR NR-216 regulations.**

Motion by Alderman Harenda to approve the Illicit Discharge Response Procedures per Wisconsin DNR NR-216 regulations. Seconded by Alderman Hopkins and carried unanimously.

**Resolution No. 05-22 Transfer of Funds for Cold Spring Road Underground Storage Facility**

Motion by Alderman Harenda to approve Resolution No. 05-22 Transfer of Funds for Cold Spring Road Underground Storage Facility. Seconded by Alderman Hegeman and carried unanimously.

**Buena Park Stormwater Improvement Project Additional Construction**

This item was deferred at the Stormwater Committee meeting held today.

**Gatewood Subdivision Final Pay Request #7 to Underground Pipeline Inc.**

Motion by Alderman Harenda to approve the Gatewood Subdivision Final Pay Request #7 to Underground Pipeline Inc. in the amount of \$112,221.74. Source of Funds: Stormwater Utility CIP Acct No. 04251171 61708 C2004 \$1,397,500.00. Seconded by Alderman Hegeman and carried with Aldermen Gallagher and Ament voting no.

**COMMUNICATIONS COMMITTEE**

**Award the contract to Professional Audio Design**

Motion by Alderman Harenda to Award the contract to Professional Audio Design, In the amount of \$10,226.19 for the Advanced Program Scheduling equipment with funding provided by Special Revenue – Cable TV Account #26290000 59010. Seconded by Alderman Ament and carried unanimously. *Note: Mayor Chiovatero indicated this work would not start until the voting board selection is made and approved.*

**FINANCE COMMITTEE**

**Resolution No. 05-23 Resolution to Designate Authorized Signors on City Accounts**

Motion by Alderman Augustine to approve Resolution No. 05-23 Resolution to Designate Authorized Signors on City Accounts. Seconded by Alderman Ament and carried unanimously.

**Resolution No. 05-24 Resolution To Support 2005 Assembly Bill 129 and Companion Senate Bill 117**

Motion by Alderman Augustine to approve Resolution No. 05-24 Resolution To Support 2005 Assembly Bill 129 and Companion Senate Bill 117. Seconded by Alderman Ament and carried unanimously.

**MAYORAL APPOINTMENTS**

**Community Development Authority**

Motion by Alderman Augustine to approve the appointment of Donald E Vaclav with a term expiring 5-31-07. Seconded by Alderman Hegeman and carried unanimously.

**Youth Advisory Board**

Motion by Alderman Hopkins to approve the re-appointment of David McLaughlin – District 7 with term expiring 5-31-06. Seconded by Alderman Hegeman and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

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

See Closed Session below.

**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/REFERRED TO BOARD OF PUBLIC WORKS 4-26-05**

No action taken.

**Acceptance of public constructed in Jacobs Ridge Multi-Family Area, accept the dedication of the public infrastructure by Bodner Property Management, LLC and authorize the release of the Surety Instrument/TABLED 5-10-05**

No action taken.

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**CONSENT AGENDA**

Motion by Alderman Ament to approve all of the following items listed on the consent agenda. Seconded by Alderman Gallagher and carried unanimously.

**MINUTES**

Common Council Minutes of Meeting held May 10, 2005

**UTILITY AND FINANCE**

**Claims**

Approval Water Utility claims in the amount of \$183,278.73, Sewer Utility claims in the amount of \$35,275.56 and Bi-weekly claims in the amount of \$227,840.88, all of which represents payment to vendors.

**LICENSES**

**Bartenders**

Denial of Bartender License for the year 2004-2006 to Jon E. Greenthal.  
Approval Bartender License for the year 2004-2006 to Marcella M. Harris.  
Approval Bartender Licenses for the year 2004-2006 to Patricia A. Bauer, Christopher T. Bean, David A. Bretz, Robert Brossmann, Robert H. Carlson, Hope L. Eisendrath, Scott L. Ficks, and Steven J. Molthen

**Amendment to "Class B" Retailers License**

Approval of an amendment to the "Class B" Retailers License for The 19<sup>th</sup> Hole Country Club, 1525 S. 124<sup>th</sup> Street to include a 15 X 15 foot roped off area for consuming beer only on Wednesday evenings from May 25<sup>th</sup> through August 31<sup>st</sup> from 6:30 PM to 9:30 PM for a group of golfers.

**MISCELLANEOUS**

Approval the Waukesha County 911 Emergency Agreement.  
Approval of Fire Department Grant for Department of Homeland Security, Emergency Preparedness and Response Directorate Assistance to Firefighters.  
Set a Public Hearing before Common Council for Tuesday, June 28, 2005 at 7:00 PM for the proposed Erosion Control and Stormwater Ordinances.  
Presentation by Finance Director Mike Holzinger on budgeting for 2006 (non-action item)

**TABLED ITEMS - None**

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**LICENSES**

**Bartenders**

**Request for Approval Bartender License for the year 2004-2006 to Franz J. Michels.**

Motion by Alderman Ament to recommend to Council Approval of Bartender License for the year 2004-2006 to Franz J. Michels. Seconded by Alderman Moore and carried with Aldermen Gallagher, Harenda and Hegeman voting no.

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**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 and Thomas Horvatin Claim.**

Motion by Alderman Ament to go to Closed Session at 10:20 PM. Seconded by Alderman Hegeman and carried unanimously per roll call vote.

Motion by Alderman Augustine to reconvene in Open Session at 10:55 PM. Seconded by Alderman Harenda 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**

No action taken.

**Discussion and possible action on Thomas Horvatin Claim**

No action taken.

**ADJOURN**

Motion by Alderman Augustine to adjourn at 10:55 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC  
City Clerk