

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, June 14, 2005**

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 to order at 8:52 PM after Privilege of the Floor and Committee of the Whole.

This meeting was noticed on June 10, 2005 and 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, Election and License Technician Sherri Schulpus, Director of Streets and Utilities Ray Grzys, Director of Parks, Recreation and Forestry Mark Schroeder, Parks, Recreation and Forestry Administrative Coordinator Cheryl Bowers, Director of Human Resources Tami Potkay, IT Manager Sue Schaefer, IT System Administrator Catey Barnish, Planning Services Manager Nikki Jones, Director of Community Development Greg Kessler, Tony Kim, Code Enforcement; City Engineer JP Walker, Utilities Engineer Larry Wilms and Stormwater Division Engineer Eric Nitschke.

REPORTS

City Clerk – 2nd Annual 4th of July Pie Bake-off is July 3rd at 1:00 PM. Obtain entry forms from the Parks, Recreation and Forestry Department by July 1st. You can reach them at 262-799-2443.

Council President - Lt. Mike Glider and Lt. Phil Kiedrowski from the New Berlin Police Department will receive the Public Policy Forum's Innovation Award on June 23rd at a breakfast event for their work and development of the "Mission Possible" police videos. They exemplify the ideals of teamwork in the public sector.

Mayor - none
City Attorney - none

COMMUNICATIONS

Theodore Jackovich Claim/refer to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

One-year extension for "Moorland Road Golf Center" Planned Unit Development Ordinance #2239
Motion by Alderman Ament approval for a one-year extension for "Moorland Road Golf Center" Planned Unit Development Ordinance #2239 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

Ordinance #2272 that approves the rezoning of property known as Ronald Reagan Elementary School (New Berlin Center School) located at 4225 and 4385 S. Calhoun Road

Motion by Alderman Ament to adopt Ordinance #2272 that approves the rezoning of property known as Ronald Reagan Elementary School located at 4225 and 4385 S. Calhoun Road from R-1/R-2, R-3, I-1 and C-1 to I-1, C-1 and C-2 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Certified Survey Map for the property located at 4225 S. Calhoun Road (Ronald Reagan Elementary School (New Berlin Center School))

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 4225 S. Calhoun Road and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Resolution No. 05-28 approving the amendment to the New Berlin Current Sewer Service area to include the Ronald Reagan Elementary School (New Berlin Center School) for the properties located at 4225 and 4385 S. Calhoun Road

Motion by Alderman Ament to approve Resolution No. 05-28 approving the amendment to the New Berlin Current Sewer Service area to include the Ronald Reagan Elementary School (New Berlin Center School) for the properties located at 4225 and 4385 S. Calhoun Road and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for the property located at 18715 W. Greenfield Ave/2 lot division

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 18715 W. Greenfield Avenue and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Ordinance #2271 approving the changes made to Section 275-61 (Sign Code) of the City of New Berlin Zoning Ordinance

Motion by Alderman Ament to adopt Ordinance #2271 approving the changes made to Section 275-61 (Sign Code) of the City of New Berlin Zoning Ordinance and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Ordinance #2267 (*This matter is also under Stormwater Committee*)

Alderman Ament introduced Ordinance #2267 that was recommended for adoption by Plan Commission on June 6, 2005. A Public Hearing is scheduled for Tuesday, June 28, 2005 at 7:00 PM on this ordinance.

Ordinance #2268 approving the changes to Section 275-55.2 (Grading and Drainage) of the City of New Berlin Zoning Ordinance and accept the Plan Commission Report. (*This matter is also under Stormwater Committee*)

Alderman Ament introduced Ordinance #2268 that was recommended for adoption by Plan Commission on June 6, 2005. A Public Hearing is scheduled for Tuesday, June 28, 2005 at 7:00 PM on this ordinance.

Ordinance #2269 approving the changes to Section 275-55.3 (Grading and Drainage) of the City of New Berlin Zoning Ordinance and accept the Plan Commission Report. (*This matter is also under Stormwater Committee*)

Alderman Ament introduced Ordinance #2269 that was recommended for adoption by Plan Commission on June 6, 2005. A Public Hearing is scheduled for Tuesday, June 28, 2005 at 7:00 PM on this ordinance.

STORMWATER COMMITTEE

Alderman Harenda indicated the following 3 ordinances were adopted at Plan Commission and approved at Stormwater Committee. A Public Hearing is scheduled for Tuesday, June 28, 2005 at 7:00 PM on all 3 ordinances.

- Post-Construction Stormwater Management Ordinance #2267
- Construction Site Pollutant Control Ordinance #2268
- Illicit Discharge and Elimination Ordinance #2269

Buena Park Stormwater Improvement Project Additional Construction

Motion by Alderman Harenda to approve the Buena Park Stormwater Improvement Project Additional Construction to be completed by the current contractor, Capitol Pavers, Inc. in the amount of \$133,363.75 with an estimated cost for additional improvements to be \$181,641.42 with the remaining construction cost not to exceed \$1,527,770.16 with source of funds from Stormwater Utility CIP Account #04251171 61707 C2003 for \$1,284,865.00 and Stormwater Utility CIP Account #04251171 61707 C2004 for \$530,233.50. Seconded by Alderman Gallagher and carried unanimously.

MAYORAL APPOINTMENTS – none

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 1st 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 the following items on the consent agenda. Seconded by Alderman Hegeman and carried unanimously.

MINUTES

Common Council Minutes of Meeting held May 24, 2005

UTILITY AND FINANCE

Claims

Approval of Water Utility claims in the amount of \$255,067.03, Sewer Utility claims in the amount of \$21,748.09 and Bi-weekly claims in the amount of \$637,530.20, all of which represents payment to vendors.

LICENSES

Bartenders

Approval of Bartender Licenses for the year 2004-2006 to Gilbert N. Brighty and Eric M. Tate.

Approval of renewal of Bartender License for the year 2005-2007 to Vinod B. Patel.

Approval of renewal of Bartender Licenses for the year 2005-2007 per list as presented.

Denial of Appeal of Denial of Bartender License for the year 2004-2006 for Jon Greenthal.

Approval of License Renewals from 7-1-05 to 6-30-06 for the following per list as presented:

Archery Range, Entertainment, Wholesale Beer, Class "A" Malt, "Class A" Retailer, Class "B" Malt, "Class B" Retailer, Theater and Trapshooting.

Approval of "Class B" Retailers License renewal for Antonino's Management LLC/Maria Lopiparo, Agent at Antonino's Ristorante Siciliano, 17001 W Greenfield Avenue.

Approval of License Renewals from 7-1-05 to 6-30-06 for the following per list as presented conditioned upon final inspection approval: China Dragon, LLC/Min Liang, Agent at 15820 W National Avenue, Legacy Fine Dining, Inc./Kristin L. Sims, Agent at 14955 W. National Avenue, Kathleen M. Tucker at Mannigan's Club A, 12785 W. Janesville Road, Senor Luna, LLC/Kevin E. Larson, Agent at 1901 S. Calhoun Road.

Approval of "Class B" Retailers License renewal for Kat's Café LLC, / Danny Ballos, Agent at 19680 W. National Avenue.

Amendment to "Class B" Retailers License

Approval of an amendment to the "Class B" Retailers License of Nickel's Pub, 13915 W Greenfield Avenue, for an outside party on Saturday, September 17, 2005 from 12 Noon to 7 PM.

MISCELLANEOUS

Resolution No. 05-27 A Resolution Authorizing Participation of the City of New Berlin in the Greenfield Avenue Reconstruction Project. /DEFERRED

Approval OF the "Review of the Civil Service Employees Pay Plan" submitted by Carlson Dettmann Consulting and dated June 2, 2005.

Set a Public Hearing for July 11, 2005 at 6:00 PM to be held before Plan Commission for a petition to rezone the property located at 2955 S Country Lane from R-1/R-2/C-2 to R-1/R-2/C-2 in order to field delineate the wetlands on the property.

Set a Public Hearing for July 11, 2005 at 6:01 PM to be held before Plan Commission for a petition to rezone the property located at 12555 W National Avenue from B-2 to B-1.

TABLED ITEMS – None

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ITEM/S REMOVED FROM CONSENT AGENDA

MISCELLANEOUS

Request for Approval the New Berlin Plan Commission and the Board of Public Works review and offer comment on the feasibility and impact to this general area with respect to adding two back to back Cul-de-Sac's on the west end of Small Road between the approved New Berlin Pizza Buffet and Entertainment Center and the residence addressed at 15230 W. Small Road.

Motion by Alderman Harenda to recommend to Council Approval of the New Berlin Plan Commission, Board of Public Works, Police Department and Fire Department review and offer comment on the feasibility and impact to this general area and with respect to adding two back to back Cul-de-Sac's on the west end of Small Road between the approved New Berlin Pizza Buffet and Entertainment Center and the residence addressed at 15230 W. Small Road. This review should take into account previous development and the future impact of this action on potential development in this area. Request that the Plan Commission, Board of Public Works, Police Department and Fire Department review this proposed option with final approval of this action and referral back to the Common Council. Seconded by Alderman Ament and carried with Alderman Gallagher voting no.

Request for Approval Purchase of the "Class" Recreation Registration & Facility Reservation Software System from Active Community Solutions for a Not to Exceed amount of \$65,000.

Motion by Alderman Harenda to recommend to Council Approval to Purchase of the "Class" Recreation Registration & Facility Reservation Software System from Active Community Solutions for a Not to Exceed amount of \$65,000 with the source of funds from IT CIP Account #04051500-61503. Seconded by Alderman Hopkins and carried with Aldermen Augustine and Gallagher voting no.

ORDINANCES/RESOLUTIONS

Resolution No. 05-25 A Resolution To Place A "NO PARKING" sign on the east side of 159th Street from National Avenue to Church View Drive.

Motion by Alderman Ament to approve Resolution No. 05-25. Seconded by Alderman Hegeman and carried unanimously.

Resolution No. 05-26 A Resolution To Place a "NO PARKING" sign on Tiffany Place west of Sunny Slope Road.

Motion by Alderman Hegeman to approve Resolution No. 05-26. Seconded by Alderman Augustine and carried unanimously.

Ordinance # 2270, Ordinance To Amend Vehicles and Traffic, Section 261-5(B)(1) of the Municipal Code of the City of New Berlin. The prohibition of heavy traffic shall be posted on the stretch of Small Road bound by Beloit Road to the north and Moorland Road to the south. (1st reading)

Motion by Alderman Harenda to waive the 2nd and 3rd readings. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Harenda to adopt Ordinance #2270. Seconded by Alderman Moore and carried unanimously.

Ordinance #2273, Ordinance To Amend Chapter 11 Civil Service Section 11-7 of the City of New Berlin Municipal Code Adding Director of Facilities Management (1st reading)

Motion by Alderman Moore and seconded by Alderman Hegeman. Motion declared not in order.

Motion by Alderman Hopkins to waive the 2nd and 3rd readings. Seconded by Alderman Hegeman and failed with Aldermen Hopkins and Harenda voting yes.

Ordinance #2274, Ordinance To Amend Chapter 11 Civil Service Section 11-5 of the City of New Berlin Municipal Code renaming the Administrative Secretary-Fire To Administrative Coordinator-Fire and Renaming The Building Maintenance Manager To Director of Facilities Management and Adding Deputy Assessor (1st reading)

Mayor Chiovatero indicated this is the 1st reading.

Ordinance #2275, Ordinance Amending Chapter 11 Civil Service Section 11-5 of the City of New Berlin Municipal Code Renaming The Position of Director of Finance and Administration To Director of Finance. (1st reading)

Motion by Alderman Augustine to waive the 2nd and 3rd reading. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Augustine to adopt Ordinance #2275. Seconded by Alderman Hopkins and carried unanimously.

Ordinance #2276, Ordinance Amending Chapter 11 Civil Service Section 11-7 of the City of New Berlin Municipal Code Renaming The Position of Director of Finance and Administration To Director of Finance. (1st reading)

Motion by Alderman Augustine to waive the 2nd and 3rd reading. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Augustine to adopt Ordinance #2276. Seconded by Alderman Hopkins and carried unanimously.

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) (e) and of the Wisconsin State Statutes, (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session; more specifically Teamsters Collective Bargaining Update; and Section 19.85 (1) (g) of the Wisconsin State Statutes (g) 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 the Thomas Horvatin Claim.

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

Motion by Alderman Hopkins to reconvene to Open Session at 11:20 PM. Seconded by Alderman Hegeman and carried unanimously.

OPEN SESSION

Discussion and possible action on the ratification of the Teamster Contract

Motion by Alderman Harenda to authorize the Human Resource Director and Mayor Chiovatero to execute the Teamsters Collective Bargaining Contract that has been presented to the Common Council be approved. Seconded by Alderman Moore and carried unanimously.

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

Motion by Alderman Ament to direct the City Attorney to settle the Thomas Horvatin Claim in an amount not to exceed \$13,287.15. Seconded by Alderman Hopkins and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 11:25 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC
City Clerk