

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, June 28, 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 Meeting to order at 7:40 PM after Privilege of the Floor and Committee of the Whole.

This meeting was noticed on June 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, Moore and Ament. Excused: Alderman Hegeman. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Streets and Utilities Ray Grzys, Stormwater Division Engineer Eric Nitschke and Emergency Government Coordinator Scott Schulpius.

REPORTS

City Clerk - none

Council President – none

Mayor – this weekend's 4th of July events are listed on the City's cable channel and website. July 2nd is alcohol free day; July 3rd opens at 12 noon to 11:00 PM. The day's events include a pie bakeoff contest with Mayor Chiovaturo as a judge. July 4th is the parade at 1:00 PM with 98 entries and fireworks at 10:00 PM. All at Malone Park.

City Attorney - none

COMMUNICATIONS

Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman/Notice of Claim for Lien/J. A. Campbell

Referred to City Attorney

Schmidt Rupke Tess-Mattner & Fox/Notice of Claim for Lien/Ace Iron & Steel Corp

Referred to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

UTILITY COMMITTEE

Award Construction Contract for Sanitary Sewer Re-Lining and Replacement Project K-367 in Parkland Green Subdivision

Motion by Alderman Gallagher to Award Construction Contract for Sanitary Sewer Re-Lining and Replacement Project K-367 in Parkland Green Subdivision to the lowest responsive and responsible bidder, Visu-Sewer Clean and Seal in the amount of \$402,307.00 for a total project cost not to exceed \$485,000.00. Source of Funds: Wastewater CIP 2005 Budget A/C #107. Seconded by Alderman Augustine and carried unanimously.

Professional Services Agreement with Ruckert-Mielke, Consulting Engineers, for Year 2020 Upgrade Study for Regal Manor West Lift Station

This item failed to be approved at the Utility Committee meeting held this evening.

MAYORAL APPOINTMENTS

Library Board – reappointments of Diane Gihring, Marion Onestri and Larry W Thysell with terms expiring on 6-30-08.

Motion by Alderman Hopkins to approve the re-appointments of Diane Gihring, Marion Onestri and Larry W Thysell. Seconded by Alderman Moore and carried unanimously.

Youth Advisory Board

Elizabeth (Libby) Schultz with a term expiring 5-31-07

Motion by Alderman Harenda to approve the appointment of Libby Schultz. Seconded by Alderman Hopkins and carried unanimously.

Meghan Gold – District 1 with a term expiring 5-31-07

Motion by Alderman Hopkins to approve the appointment of Meghan Gold. Seconded by Alderman Moore and carried unanimously.

Lauren Novak – District 1 with a term expiring 5-31-06

Motion by Alderman Hopkins to approve the appointment of Lauren Novak. Seconded by Alderman Harenda and carried unanimously.

Nicki Thompson – District 4 with a term expiring 5-31-07

Motion by Alderman Harenda to approve the appointment of Nicki Thompson. Seconded by Alderman Ament 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 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 Augustine to approve the following items on the consent agenda. Seconded by Alderman Harenda and carried unanimously.

MINUTES

Common Council Minutes of Meeting held June 14, 2005

UTILITY AND FINANCE

Claims

Approval of Water Utility claims in the amount of \$271,524.95, Sewer Utility claims in the amount of \$325,335.38, of that amount \$290,860.65 represents payments to MMSD and Bi-weekly claims in the amount of \$1,151,164.83, all of which represents payment to vendors.

LICENSES

Bartenders

Approval for renewal of Bartenders License for the year 2005-2007 to Darren W. Haack and Juan J Melendez.

Approval Bartenders License for the year 2005-2007 to Diana L. Anderson, Janet L. Farris, Millicent F. Hynes, Nicole M Modrak and Joshua P. Nick.

“Class A” Retailer

Approval of Ultra Mart Foods, Inc P.O. Box 473 Milwaukee WI/dba Pick “N Save #6382 at 15445 W National Avenue.

MISCELLANEOUS

Approval of Resolution No. 05-29 A Resolution Amending The 2005 Approved Operating Budget To Transfer Funds from Contingency To Human Resources Professional Service.

Approval of Resolution No. 05-31 Designation Of The National Incident Management System (NIMS) As The Basis For All Incident Management In The City of New Berlin.

Cancellation of the July 12, 2005 Committee of the Whole and Council meetings.

TABLED/DEFERRED ITEMS

Request for Approval Resolution No. 05-27 A Resolution Authorizing Participation of the City of New Berlin in the Greenfield Avenue Reconstruction Project. /DEFERRED 6-14-05/TABLED 6-28-05

ITEM/S REMOVED FROM CONSENT AGENDA

Request for Approval of Bartenders License for the year 2005-2007 to Nicole M. Wittenburg.

Motion by Alderman Harenda to recommend to Council Approval of Bartenders License for the year 2005-2007 to Nicole M. Wittenburg. Seconded by Alderman Ament and carried with Alderman Moore voting no.

Request for Approval of Resolution No. 05-30 Initial Resolution Authorizing The Borrowing Of Not To Exceed \$30 Million; Providing For The Issuance and Sale of General Obligation Securities Therefore; and Levying A Tax In Connection Therewith.

Motion by Alderman Moore to recommend to Council approval of Resolution No. 05-30 Initial Resolution Authorizing The Borrowing Of Not To Exceed \$30 Million; Providing For The Issuance and Sale of General Obligation Securities Therefore; and Levying A Tax In Connection Therewith. Seconded by Alderman Gallagher.

Amendment by Alderman Harenda to authorize borrowing not to exceed \$18.2 Million, second by Alderman Ament. Motion failed with Aldermen Harenda and Ament voting yes.

Upon voting on original motion, motion carried with Aldermen Harenda and Ament voting no.

ORDINANCES/RESOLUTIONS

Ordinance #2267 Section 275-55.1 (Grading and Drainage) of the City of New Berlin Zoning Code

Motion by Alderman Hopkins to adopt Ordinance No. 2267. Seconded by Alderman Harenda and carried unanimously. *(Ordinance Required by the DNR)*

Ordinance #2268 Section 275-55.2 (Grading and Drainage) of the City of New Berlin Zoning Code

Motion by Alderman Moore to adopt Ordinance No. 2268. Seconded by Alderman Augustine and carried unanimously. *(Ordinance Required by the DNR)*

Ordinance #2269 275-55.3 (Grading and Drainage) of the City of New Berlin Zoning Code

Motion by Alderman Augustine to adopt Ordinance #2269. Seconded by Alderman Hopkins and carried unanimously. *(Ordinance Required by the DNR)*

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.

This is the 2nd reading.

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 Facility Management and Adding Deputy Assessor

This is the 2nd reading.

Ordinance #2277 To Amend Vehicles and Traffic Section 261-5(B)(1) of the Municipal Code of the City of New Berlin (1st reading)

Motion by Alderman Hopkins to waive the 2nd and 3rd readings. Seconded by Alderman Ament with Alderman Gallagher voting no.

Motion by Alderman Ament to adopt Ordinance No. 2277. 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) (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 Theodore Jackovich Claim.

Motion by Alderman Augustine to go to Closed Session at 8:15 PM. Seconded by Alderman Moore and carried per roll call vote.

Motion by Alderman Augustine to reconvene to Open Session at 9:28 PM. Seconded by Alderman Moore 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 Theodore Jackovich Claim

No action taken.

ADJOURN

Motion by Alderman Hopkins to adjourn at 9:29 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC
City Clerk