

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, August 23, 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 9:22 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on August 17, 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, and Ament. Excused: Alderman Moore. Also present were City Attorney Mark Blum, Deputy City Clerk Sherry Grant, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, City Engineer JP Walker, Utilities Division Engineer Larry Wilms, Stormwater Division Engineer Eric Nitschke, Director of Utilities and Streets, Ray Grzys, Library Director Katie Schultz.

REPORTS

City Clerk - none
Council President - none
Mayor – none
City Attorney - none

COMMUNICATIONS – none

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

Jacob Ruby located at 2955 S Country Lane from R-1/R-2/C-2 to R-1/R-2/C-2 to delineate the wetlands and accept the Plan Commission Report

Motion by Alderman Ament to adopt Ordinance No. 2279 that approves the rezoning of the property located at 2966 S Country Lane from R-1/R-2 and C-2 to R-1/R-2 and C-2 to delineate the wetlands and accept the Plan Commission Report as presented. Seconded by Alderman Hopkins and carried unanimously.

Dr. Torres Medical Office Building located at 12555 W National Avenue from B-2 to B-1 and accept the Plan Commission Report

Motion by Alderman Ament to adopt Ordinance No. 2280 that approves the rezoning of the property known as Dr. Torres Medical Office Building located at 12555 W National Avenue from B-2 to B-1 and to accept the Plan Commission Report as presented. Seconded by Alderman Hopkins and carried unanimously.

SAFETY COMMISSION

A Resolution to Lower the Speed Limit on Grange Avenue to 30 MPH From 124th Street to Moorland Road and Make a “No Passing” Zone.

Motion by Alderman Hegeman to approve Resolution No. 05-42 to lower the speed limit on Grange Avenue to 30 MPH from 124th Street to Moorland Road and make a “NO PASSING” Zone. Seconded by Alderman Ament and carried unanimously.

LIBRARY BOARD

Request additional funds to pay final bills for new library.

Motion by Alderman Harenda to approve Resolution No. 05-44 Authorizing the Transfer of Funds from the Transfer Unallocated Capital Projects Account to the Library Building Account for the Library Construction Project. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

STORMWATER COMMITTEE

Revised Stormwater Management Policy #13-01-001 Invert Lining

Motion by Alderman Harenda to approve the revision of the Stormwater Management Policy #13-01-001. Seconded by Alderman Hegeman and carried unanimously.

Stormwater Utility 2006 Budget

Motion by Alderman Harenda to approve the 2006 Stormwater Utility Budget. Seconded by Alderman Hegeman and carried unanimously.

Mayoral Appointments

Youth Advisory Board

Kim Perla – term expires 5-31-06

Motion by Alderman Hegeman to approve the appointment of Kim Perla with a term expiring 5-31-06. Seconded by Alderman Hopkins and carried unanimously

DEFERRALS, REFERRAL & TABLED ITEMS

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

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.

Resolution No. 05-36 Final Resolution in Accordance with Section 66.0703 Wisconsin Statutes Authorizing Levying Special Assessments Against Benefited Properties in the Moorland Road Water & Sewer Special Assessment District/TABLED 8-9-05

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

Motion by Alderman Gallagher to refer back to the Utility Committee. Seconded by Alderman Ament and carried unanimously.

++++
CONSENT AGENDA

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

UTILITY AND FINANCE

Approval of Water Utility claims in the amount of \$54,795.29, Sewer Utility claims in the amount of \$77,754.66 and Bi-weekly claims in the amount of \$1,000,598.41, all of which represents payment to vendors.

MISCELLANEOUS

Approval of Execution of WisDOT form DT-1660, Conveyance of Land Rights, associated with existing utility easement over acquired right-of-way on parcel 17975 W Greenfield Avenue (aka NBC-1165-958) to avoid delay in the roadway reconstruction project schedule.

Approval of a 100% insurance premium bank for non-represented employees with a minimum of 15 years of service with the City of New Berlin, retiring under the terms of the Wisconsin Retirement System before June 1, 2006.

DEFERRED/TABLED ITEMS

Defer Resolution No 05-38 Resolution to Approve the Greenfield Avenue Project Agreement with the State of Wisconsin until September 13, 2005.

No action taken on the Recommendation from Carlson/Dettman concerning amendment to Civil Service Code Section 11-12. /TABLED 7-26-05

++++

ITEM/S REMOVED FROM CONSENT AGENDA

Approval of Minutes – August 9, 2005.

Motion by Alderman Hopkins to approve the August 9, 2005 minutes as revised. Seconded by Alderman Gallagher and carried unanimously

ORDINANCES/RESOLUTIONS

Motion by Alderman Ament to waive the second and third readings of Ordinance No. 2281. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Ament to adopt Ordinance No. 2281 Ordinance To Amend Chapter 1, Section 1-18 (2) of the Municipal Code of the City of New Berlin Regarding The Schedule of Deposits. Seconded by Alderman Hopkins and carried unanimously.

Deputy City Clerk Grant 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, State of Wisconsin Sewer Overflow Notice of Claim and the John R Schaefer Claim.

Motion by Alderman Ament to go to Closed Session at 10:11 PM. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Hopkins to reconvene to Open Session at 11:01 PM. Seconded by Alderman Ament and carried unanimously.

OPEN SESSION

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

No action taken.

Discussion and possible action on State of Wisconsin Sewer Overflow Notice of Claim

No action taken.

Discussion and possible action on John R. Schaefer Claim

No action taken.

ADJOURN

Motion by Alderman Augustine to adjourn at 11:02 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Sherry Grant, CMC
Deputy City Clerk