

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, September 13, 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 Meeting to order at 7:21 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on September 8, 2005 and amended on September 12, 2005 in accordance with the Open Meeting Law.

Mayor Chiovero lead in the reciting of the Pledge of Allegiance and asked for a moment of silence for those families and victims of Hurricane Katrina. Mayor indicated that President Bush proclaimed this Friday as "National Day of Prayer".

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

REPORTS

City Clerk - none

Council President – none

Mayor – The 2006 Proposed Budget is available on the City's website at www.newberlin.org. Mayor Chiovero commended staff and Department Heads for their hard work and dedication to generate their budgets. Budget workshops are scheduled for Tuesday, September 20th starting at 5PM and Wednesday, September 21st starting at 5PM. Those Departments scheduled for Wednesday need to be available on Tuesday in the event the Tuesday schedule finishes early.

Waukesha County is looking for citizen input regarding the re-surfacing project on Moorland Road. The map that was posted at the public informational meeting held on August 30 may have had errors. Mayor Chiovero has asked the County to have another informational meeting with corrected information. He encouraged the public to turn in their comments and input. If you have any questions, contact the Mayor, City Engineer or City Clerk's offices.

The Library Foundation is an active group working on a goal to raise One Million Dollars. They are currently at \$145,000. The Library is still selling bricks that are placed outside the library. For information on purchasing bricks, contact Librarian Katie Schulz. The Library Foundation has two (2) additional events planned. One is a wine tasting evening and the other is the 2nd Annual black tie event for 2006. For more information, contact the Mayor's office.

City Attorney - none

COMMUNICATIONS

Thomas Templin Claim

Referred to City Attorney

Dave Anderson Claim

Referred to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

BOARD OF PUBLIC WORKS

Development Agreement for the Sanctuary at Poplar Creek

Motion by Alderman Gallagher to approve the Development Agreement for the Sanctuary at Poplar Creek subject to final approval by the City Attorney. Seconded by Alderman Hopkins and carried with Alderman Moore abstaining.

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/Referred back to the Utility Committee 8-23-05

No action taken.

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CONSENT AGENDA

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

MINUTES

Common Council Minutes of Meeting held August 23, 2005

UTILITY AND FINANCE

Approval of Water Utility claims in the amount of \$197,909.94, Sewer Utility claims in the amount of \$160,111.47 and Bi-weekly claims in the amount of \$1,088,401.52, all of which represents payment to vendors.

LICENSES/PERMITS

Bartender Licenses

Approval of Bartender License for the year 2005-2007 to Julie A. Bernier, Eloise M. Frey, Kathryn A. Hablewitz, Cory Hughes, Katy L. Kazik, Renee A. Kunstman, Morgan E Latona, Wilhelmina K. Tenaglia and Jason T. Theilman.

Fireworks Permits

Approval of Fireworks Permit to Eisenhower High School/4333 S Sunny Slope Road for Friday, September 23, 2005 with fees paid to the Fire Department.

MISCELLANEOUS

Approval to Set a Public Hearing before Plan Commission on Monday, October 3, 2005 at 6:00 PM to rezone the property located at 21845 W Lochleven Lane from R-1/R-2/C-2 to R-1/R-2/C-2 to field delineate the wetlands on the property.

Approval from New Berlin Public School District to hold regular monthly, and any related special meetings, of the Board of Education from 1-23-06 to 12-18-06 with City meetings having precedence.

Approval of Resolution No. 05-47 Resolution to Increase Ambulance Billing Fees.

Approval of Resolution No. 05-48 Resolution to Increase Fire Inspection and Permit Fees.

Discussion and possible action to approve Alderman Ament appearing by telephone for discussion on Request for Approval of Resolution No. 05-38 Resolution To Approve the Greenfield Avenue Project Agreement with the State of Wisconsin/TABLED 8-9-05/DEFERRED 8-23-05.

No action taken.

DEFERRED/TABLED ITEMS

Deferred/Resolution No. 05-38 Resolution To Approve the Greenfield Avenue Project Agreement with the State of Wisconsin/TABLED 8-9-05/DEFERRED 8-23-05/DEFERRED 9-13-05

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

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ITEM/S REMOVED FROM CONSENT AGENDA

Direct the Director of Human Resources to bid the positions for City Attorney and Prosecuting Attorney

Motion by Alderman Harenda to defer to the next meeting. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

ORDINANCES/RESOLUTIONS

Resolution No. 05-40 Resolution Establishing a Policy for Public Deposits and Investments

Motion by Alderman Moore to defer to next meeting. Seconded by Alderman Harenda and carried unanimously.

Resolution No.05-41 Resolution Designating Public Depositories and Approving other Financial Institutions for Investments

Motion by Alderman Hopkins to defer to next meeting. Seconded by Alderman Moore and carried with Alderman Gallagher voting no.

Resolution No. 05-43 Resolution Amending 2005 City of New Berlin Operational Budget to Increase the Grant Planning Revenue and Expenditure Accounts within the DCD Planning Services Division

Motion by Alderman Harenda to approve Resolution No. 05-43. Seconded by Alderman Hegeman and carried unanimously.

Resolution No. 05-45 Resolution Amending the 2005 City of New Berlin Fire Department Operational Budget to Increase the Building Improvements Revenue and Expenditure Accounts

Motion by Alderman Moore to approve Resolution No. 05-45. Seconded by Alderman Harenda 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, 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 State of Wisconsin Sewer Overflow Notice of Claim.

Motion by Alderman Hegeman to go to Closed Session at 7:45 PM. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Harenda to reconvene to Open Session at 9:00 PM. Seconded by Alderman Gallagher 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 State of Wisconsin Sewer Overflow Notice of Claim

No action taken.

ADJOURN

Motion by Alderman Hopkins to adjourn at 9:01 PM. Seconded by Alderman Hegeman and carried unanimously.

Respectfully submitted
Marilyn Gauger, CMC
City Clerk