

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, October 25, 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 8:53 PM after the 2006 Proposed Budget Public Hearing, Committee of the Whole and Privilege of the Floor.

This meeting was noticed on October 20, 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 and Deputy City Clerk Sherry Grant, Election/License Technician Sherri Schulpus, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, Director of Finance Mike Holzinger, Human Resource Director Tami Potkay, Human Resource Clerk Jan Gehr, Park, Recreation and Forestry Director Mark Schroeder, and Captain Frank Zsohar

REPORTS

City Clerk – Trick or Treat hours, Disc Golf Course closing, Christmas parade

Council President - none

Mayor – none

City Attorney - none

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Finance Committee

Motion by Alderman Augustine to adopt Resolution #05-60 Amending the 2005 Approved Operating Budget to Transfer Funds from the Contingency Fund to the finance Department Professional Fees Account. Seconded by Alderman Moore.

Motion by Alderman Hegeman to defer. Seconded by Alderman Ament and carried unanimously.

Miscellaneous

Motion by Alderman Harenda to Request Approval to execute an agreement with City Attorney Mark Blum and City Prosecutor Thomas Schmitzer. Seconded by Alderman Hopkins and carried unanimously.

Mayoral Appointments

Finance Committee

Motion by Alderman Hegeman to approve the appointment of Daniel T. Lavinio with a term expiring 10-25-06. Seconded by Alderman Moore and carried unanimously.

Landmarks Commission

Motion by Alderman Ament to approve the reappointment of Laurie DeMoss and Kay A Jashinsky with a term for both expiring 10-1-08. Seconded by Alderman Hegeman and carried unanimously.

Special Projects Commission

Motion by Alderman Hegeman to approve the reappointment of Mary Claire Lanser and James J. Simonson with a term for both expiring 10-12-06. Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

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

No Action.

Recommendation by the Alternative Transportation Sub-Committee to finish segment #31 as identified in the original Alternative Transportation Plan and the overall plan /system for pedestrian safety for off road

facilities with sidepaths on both sides of Moorland Road south to Mark Drive and north to Coffee Street and accept the Plan Commission Report/TABLED 9-27-05

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

Motion by Alderman Hegeman to drop this item from the agenda. Seconded by Alderman Harenda and carried unanimously.

Road Reservation between Spruce Road and Howard Avenue be removed from the Official City Map/REFERRED BACK TO PLAN COMMISSION 9-27-05
No action.

Ordinance #2286 that approves the rezoning of the Robert T. Fittshur property located at 21845 W Lochleven Lane from R-1/R-2 & C-2 to R-1/R-2 & C-2 and accept the Plan Commission Report TABLED 10-11-05
No Action.

Ordinance #2287 that approves the rezoning of the Wildwood Preserve located at 5611 S. Calhoun Road from A-2, R-1/R-2, R-3 and C-2 to A-2, R-1/R-2 and C-2 and accept the Plan Commission Report TABLED 10-11-05

Motion by Alderman Gallagher to remove from the table. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Gallagher to recommend to Common Council adoption of Ordinance No. 2287 that approves the rezoning of the property located at 5611 S. Calhoun Rd. from A-2, R-1/R-2, R-3 and C-2 to A-2, R-1/R-2 and C-2. Seconded by Alderman Hopkins.

Motion by Alderman Moore to accept the report and eliminate 8b. Seconded by Alderman Harenda.

Mayor Chiovero restated the motion and City Attorney Blum stated "that you would be approving the rezoning and accepting the report with the exception of 8b". The Mayor asked if everyone understood the motion. Upon voting the motion carried unanimously.

CONSENT AGENDA (One motion and second will approve all of the following items listed. Any item may be pulled from the list and handled separately)

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 October 11, 2005

UTILITY AND FINANCE

Recommend to Council approval of Water Utility claims in the amount of \$63,460.65, Sewer Utility claims in the amount of \$24,572.80, and Bi-weekly claims in the amount of \$440,894.32, all of which represents payment to vendors.

LICENSES/PERMITS

Bartender Licenses

Bartender License for the year 2005-2007 to Natalie J. Gardiner and Wayne D. Kopac

MISCELLANEOUS

Request City Staff and City Attorney to modify Chapter 230 of the New Berlin Municipal code to reflect the addition of side paths in the City of New Berlin

Request for Approval Resolution No. 05-59 Resolution of Eligibility for Exemption from the County Library Tax Levy for 2006

Discussion and Possible Approval of the 2006 Operating and CIP Budget

DEFERRED/TABLED ITEMS

Sign/Signal Truck in the amount of \$80,000 within the Streets CIP Budget/DEFERRED 9-21-05/DEFERRED 9-27-05/TABLED 10-11-05

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ITEM/S REMOVED FROM CONSENT AGENDA

MINUTES

Common Council Minutes of Meeting held October 11, 2005

Motion by Alderman Hegeman to approve the October 11, 2005 minutes as printed. Seconded by Alderman Harenda

Alderman Ament requested that the minutes be amended to reflect the following changes:

- 1) Amendment on page 2 of the minutes, would like to add language that before the requested action statement was completed there was a point of order by Alderman Gallagher.
- 2) The Mayor did allow Mr. Bliesner to address the Council.
- 3) Change the last sentence of this portion of the minutes to reflect that the Mayor decided to allow no further discussion instead of he allowed no further discussion.
- 4) The Mayor directed the Deputy City Clerk to include his comments regarding his decision to terminate discussion.

Motion by Alderman Ament to table for additional language to be included in the minutes. Seconded by Alderman Augustine and carried unanimously.

ORDINANCES/RESOLUTIONS

Ordinance No. 2285 An Ordinance Creating Chapter 185 of the City of New Berlin Municipal Code Establishing An Urban Forestry Ordinance (2nd reading)

Ordinance No. 2289 Ordinance Amending Section 1-18(2)(a) of the City of New Berlin Municipal Code (2nd reading)

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
 John R. Schaefer Claim
 Thomas Templin & Linda Templin Claim

- (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.

Collective Bargaining
2006 Salary Ranges

Motion by Alderman Hegeman to go into Closed Session at 9:39 PM. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Hopkins to go into Open Session at 10:20 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

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

Discussion and possible action on John R. Schaefer Claim

Discussion and possible action on Thomas Templin & Linda Templin Claim

Discussion and possible action on Collective Bargaining

Discussion and possible action on Salary Ranges

Motion by Alderman Ament to accept the settlement of \$200 for the John R. Schaefer claim. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Hegeman to adjourn at 10:22 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted,

Sherry Grant, CMC
Deputy City Clerk