

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, November 8, 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 8:31 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on November 3, 2005 and amended on November 4, 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, Assessor Paul Koller, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, Division Engineer Eric Nitschke, Director of Facilities Management Bob Schulpus, Director of Finance Mike Holzinger, Human Resources Director Tami Potkay, Library Director Katie Schulz, Parks, Recreation and Forestry Director Mark Schroeder, Director of Utilities and Streets Ray Grzys, Fire Chief Dobernick, Assistant Chief Joe Dallman, Police Chief Blunt

REPORTS

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

COMMUNICATIONS

Request by Kuglitsch Properties to consider the removal or rescission of the Right of First Refusal on the property.
Refer to the Plan Commission.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

Utility Committee

Motion by Alderman Gallagher to approve the Ordinance No. 2292 Ordinance to Amend Section 267-10(A)(1) and (2) of the Municipal Code of the City of New Berlin. Seconded by Alderman Ament.

This will be considered the first reading.

Alderman Gallagher withdrew his motion and Alderman Ament withdrew his second.

Motion by Alderman Gallagher to request and authorize the Wastewater Utility to share in the cost to update Regal Manor West Liftstation with Ronald Reagan Elementary School. Seconded by Alderman Hopkins with Alderman Harenda and Ament voting no.

Motion by Alderman Gallagher to request approval to proceed with the purchase of sites for Wells #11 and #12. Seconded by Alderman Ament and carried unanimously.

Mayoral Appointments

Youth Advisory Board

Motion by Alderman Moore to approve that appointment of Katie Schober with a term expiring 5/31/07. Seconded by Alderman Ament and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

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

No action taken.

Road Reservation between Spruce Road and Howard Avenue be removed from the Official City Map/REFERRED BACK TO PLAN COMMISSION 9-27-05

Motion by Alderman Ament to remove from the agenda the road reservation between Spruce Road and Howard Avenue from the Agenda. Seconded by Alderman Hegeman and carried unanimously.

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 taken.

Resolution #05-60 Resolution Amending the 2005 Approved Operating Budget to Transfer Funds from the Contingency Fund to the Finance Department Professional Fees Account/DEFERRED 10-25-05
Motion by Alderman Augustine to adopt Resolution #05-60 Resolution Amending the 2005 Approved Operating Budget to Transfer Funds from the Contingency Fund to the Finance Department Professional Fees Account. Seconded by Alderman Moore and 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 Augustine to approve the following items on the consent agenda. Seconded by Alderman Hopkins and carried unanimously.

MINUTES

Common Council Minutes of Meeting held October 11, 2005 and October 25, 2005

UTILITY AND FINANCE

Recommend to Council approval of Water Utility claims in the amount of \$76,417.90 Sewer Utility claims in the amount of \$508,861.81, and Bi-weekly claims in the amount of \$1,574,749.23, all of which represents payment to vendors.

LICENSES/PERMITS

Bartender Licenses

Bartender License for the year 2005-2007 to Melissa A Batzner and Karli A Duski

“Class B” License

Beechwood Distributors Inc, 5350 S Emmer Drive, New Berlin WI 53151 – John T. Sheehan Agent

MISCELLANEOUS

Request for Approval to Set a Public Hearing before Plan Commission on Monday, December 5, 2005 at 6:00 PM to rezone the property located at 13700 Park Central Blvd. from Rm-1, R-4.5, C-2 to Rm1, R-4.5, C-2

Request for Approval to Set a Public Hearing before Plan Commission on Monday December 5, 2005 at 6:01 PM to rezone the property located at 19340 W. Vista Drive from R-1/R-2/C-2 to R1/R-2/C-2

Request for Approval to Set a Public Hearing before Plan Commission on Monday December 5, 2005 at 6:02 PM to rezone the property located at 21400 W National Avenue (Parcel 1) from Q-1/R-1/R-2 to I-1

Request for Approval to Set a Public Hearing before Plan Commission on Monday December 5, 2005 at 6:03 PM to rezone the property located at 21400 W National Avenue (Parcel 2) from Q-1/R-1/R-2 to R-1/R-2

Requested Action Statement to invite all four of the New Berlin’s Waukesha County Supervisors to attend a Committee of the Whole or a Common Council meeting every six months.

Requested Action Statement to invite New Berlin’s State Senator and State Representative to attend a Committee of the Whole or a Common Council meeting every six months.

Request by Alderman Ament for reconsideration of his vote on the Request for 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

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

+++++

ITEM/S REMOVED FROM CONSENT AGENDA

Common Council Minutes of Meeting held October 11, 2005

Motion by Alderman Ament to table the minutes from the October 11, 2005 meeting. Seconded by Alderman Hegeman with Alderman Gallagher voting no.

Motion by Alderman Hopkins to adopt the 2006 Proposed Operating Budget with revenues of \$30,991,197 including a general tax levy of \$20,649,806 with a tax rate of \$4.9278 per thousand. Seconded by Alderman Gallagher and carried with Alderman Ament voting no.

Motion by Alderman Augustine to amend the motion to remove \$103,335 from surplus and reduce the tax levy accordingly. Seconded by Alderman Ament and the motion failed with Alderman Augustine and Harenda voting yes.

Upon voting on the original motion the motion passed with Alderman Ament voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2285 An Ordinance Creating Chapter 185 of the City of New Berlin Municipal Code Establishing An Urban Forestry Ordinance (3rd reading)

Motion by Alderman Moore to approve Ordinance No. 2285 An Ordinance Creating Chapter 185 of the City of New Berlin Municipal Code Establishing An Urban Forestry Ordinance. Seconded by Alderman Gallagher with Alderman Harenda and Ament voting no.

Ordinance No. 2289 Ordinance Amending Section 1-18(2)(a) of the City of New Berlin Municipal Code (3rd reading)

Motion by Alderman Ament to approve Ordinance No. 2289 Ordinance Amending Section 1-18(2)(a) of the City of New Berlin Municipal Code. Seconded by Alderman Hopkins and carried unanimously.

Ordinance No. 2291 Ordinance to Amend Section 152-15(B)(2) Regarding Fees for Alarm Systems (1st reading)

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
Victoria Blaga 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

Motion by Alderman Ament to go to closed session at 9:29 PM. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Augustine to reconvene to open session at 10:10 PM. Seconded by Alderman Hopkins and carried unanimously.

OPEN SESSION

Refer back to DEFERRALS, REFERRAL & TABLED ITEMS

- **Sts Constantine and Helen Greek Orthodox Church TABLED 3-15-05**
No action taken

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 Blaga Claim

No action taken.

Discussion and possible action on Collective Bargaining

No action taken.

Motion by Alderman Augustine to adjourn at 10:11 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted,

Sherry Grant, CMC
Deputy City Clerk