

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, May 27, 2008**

**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 7:52 PM after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny and Ament. Excused: Alderman Moore. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum and City Engineer JP Walker.

Those present recited the Pledge of Allegiance.

***This meeting was noticed on Thursday, May 22, 2008 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk - none

Council President - none

Mayor Chiovaturo was happy to announce the governor (Jim Doyle) signed the Great Lakes Compact for Wisconsin today.

City Attorney - none

**COMMUNICATIONS**

**Yvette Paquin Claim**

Mayor Chiovaturo referred to City Attorney Blum.

**BOARD OF PUBLIC WORKS**

**Award a Construction Contract to Interstate Sealant and Concrete, Inc for the 2008 Roadway Maintenance Joint, Crack Cleaning & Sealing**

Motion by Alderman Ament to Award a Construction Contract to the lowest responsive, responsible bidder, Interstate Sealant and Concrete, Inc for the 2008 Roadway Maintenance Joint, Crack Cleaning & Sealing Project in an amount of \$90,978.00 with inspection and contingencies, the not to exceed Total Project Costs are \$116,000. Seconded by Alderman Seidl and carried unanimously.

**Award a Construction Contract to Payne & Dolan, Inc for the 2008 Roadway Rehabilitation Project**

Motion by Alderman Ament to Award a Construction Contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc for the 2008 Roadway Rehabilitation Project in an amount of \$624,646.72 with inspection and contingencies, the not to exceed Total Project Costs are \$751,844.00. Seconded by Alderman Seidl and carried unanimously.

**Award a Construction Contract to Road Fabrics, Inc for the 2008 Roadway Rehabilitation Project-GlasGrid Installation**

Motion by Alderman Ament to Award a Construction Contract to the lowest responsive, responsible bidder, Road Fabrics, Inc for the 2008 Roadway Rehabilitation Project-GlasGrid Installation in an amount of \$176,846.80, eliminating Springdale Road and Broadale Road from the contract and adding Church Drive and Heatherly Drive, with inspection and contingencies, the not to exceed Total Project Costs are \$192,750.00. Seconded by Alderman Seidl and carried unanimously.

**COMMUNICATIONS COMMITTEE**

**Consideration of removal of political organizations from City's website**

Motion by Alderman Hopkins that only organizations with their principal office and place of business in the City of New Berlin be permitted to appear as "Civic Groups" on the city web site and that no other restrictions be placed on participation in that forum. The committee further recommends that the disclaimer language that was offered by the City Attorney be incorporated in the "Civic Group" section of the City's website as follows: "Organizations which appear on this page have their principal office and place of business in the City of New Berlin. They are included at the request of the organization; however, by including the organization on this page, the City does not necessarily endorse the group or its message." Seconded by Alderman Seidl.

Motion by Alderman Poshepny to table. Motion failed due to lack of second.

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Upon voting, motion carried with Alderman Poshepny voting no.

**MAYORAL APPOINTMENTS**

**Board of Review**

Motion by Alderman Wysocki to approve Amy Narus – Reappointment with term expiring 5-31-2013. Seconded by Alderman Hopkins and carried unanimously.

**Community Development Authority**

Motion by Alderman Hopkins to approve Theodore V. Anderson - Reappointment with term expiring 5-31-2011. Seconded by Alderman Ament carried unanimously.

**Special Projects Commission**

Motion by Alderman Ament to approve Mike Kagel – Hotel/Motel Representative with term expiring 10-12-2008. Seconded by Alderman Hopkins and carried unanimously.

**Youth Advisory Board**

Motion by Alderman Wysocki to approve Elizabeth Carnahan – Mayor’s appointment with term expiring 5-31-2010. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Wysocki to approve Chrissy Liu – District 4 – Reappointment with term expiring 5-31-2010. Seconded by Alderman Harenda and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07/TABLED 2-12-08**

Motion by Alderman Ament to take off the table. Motion failed due to lack of second.

**Resolution #07-29 to approve SEWRPC’s Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07**

*No action taken.*

**Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal - 3rd reading and TABLED 12-11-07**

*No action taken.*

**Ordinance No. 2373 An Ordinance to Amend The Parking Restrictions in the City of New Berlin Adding Section 261-4(C), Alternate side parking (1<sup>st</sup> reading)/REFERRED TO SAFETY COMMISSION 4-8-08**

*No action taken.*

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**CONSENT AGENDA**

Motion by Alderman Harenda to approve all of the following items listed on the Consent Agenda. Seconded by Alderman Seidl and carried unanimously.

**MINUTES** - Common Council minutes from May 13, 2008

**UTILITY AND FINANCE**

- Water Utility claims in the amount of \$88,009.52, Sewer Utility claims in the amount of \$13,566.77, and Bi-weekly claims in the amount of \$376,404.79, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for 2007-2009 to Mark Aaroen, Stephen Maslowski, Debra Obermiller and Mia Paeske.

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**MISCELLANEOUS**

- Contract for construction of Fire Station #3 for Tri-North Builders for Construction Manager at Risk for the amount of 6.75% of the total Contract Price.
- Contract for construction of Fire Station #3 for Zimmerman Architectural Studios for architectural services for a contract price of \$134,900 and specified fees of approximately \$36,000 for bid packages, copying and other out of pocket expenses.
- Contract for the data recabling of City Hall to Heartland Business Systems at a cost not to exceed \$36,275 and the removal of existing cabling at a cost not to exceed \$6,400 from 2008 CIP Account 04051500.61511.

**DEFERRED, REFERRED & TABLED ITEMS**

**Consideration of removal of political organizations from City's website/REFERRED TO COMMUNICATIONS COMMITTEE 4-22-08**

*Council action under Communications Committee above.*

**Common Council approves any pay or benefit increases before they go into affect. Instruct the City Attorney to draw up a resolution or ordinance (whichever is appropriate) to be approved at the next Common Council meeting/REFERRED TO FINANCE COMMITTEE 5-13-08**

*No action taken.*

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**Set a Public Hearing date of Tuesday, June 24, 2008 for the Intent to Levy Special Assessment for the Installation of Sanitary Sewer System to Service Areas on the north side of Howard Avenue (west of Sunny Slope Road).**

Motion by Alderman Poshepny to Set a Public Hearing date of Tuesday, June 24, 2008 for the Intent to Levy Special Assessment for the Installation of Sanitary Sewer System to Service Areas on the north side of Howard Avenue (west of Sunny Slope Road). Seconded by Alderman Hopkins.

Motion by Alderman Ament to amend the date to Wednesday, June 25<sup>th</sup> at 7PM. Seconded by Alderman Poshepny.

Motion withdrawn by Alderman Ament and second withdrawn by Alderman Poshepny.

Upon voting, original motion carried unanimously.

**ORDINANCES/RESOLUTIONS**

**Resolution No. 08-18 Resolution Adopting The Use of State Approved Equipment & Vehicle Rates**

Motion by Alderman Harenda to approve Resolution No. 08-18. Seconded by Alderman Hopkins and carried unanimously.

**Resolution No. 08-19 Resolution Establishing Salary Ranges For Civil Service Employees**

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

**Ordinance No. 2379 Ordinance To Amend Section 11-5 Of The Municipal Code Of The City Of New Berlin To Remove The Positions Of Administrative Secretary-Police And Office Coordinator-Utilities And Streets And To Create The Positions Of Streets Manager And Administrative Supervisor (1<sup>st</sup> reading)**

Mayor Chiovero indicated this is the 1<sup>st</sup> reading.

**Ordinance No. 2380 Ordinance To Amend Section 11-22(C) And 11-22(E) Of The Municipal Code Of The City Of New Berlin Regarding Short-Term Disability And Vacation Benefits For Part-Time Employees (1<sup>st</sup> reading)**

Mayor Chiovero indicated this is the 1<sup>st</sup> reading.

**ADJOURN**

Motion by Alderman Seidl to adjourn at 8:48 PM. Seconded by Alderman Harenda and carried unanimously.

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Respectfully submitted:

Marilyn Gauger, MMC/WCMC  
City Clerk