

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, June 24, 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 11:05 PM after the Howard Avenue Special Assessment Public Hearing, Committee of the Whole and Privilege of the Floor.

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

Those present recited the Pledge of Allegiance and observed a moment of silence.

Motion by Alderman Wysocki to extend the meeting to 11:36 PM. Seconded by Alderman Seidl and carried with Alderman Ament voting no.

This meeting was noticed on Thursday, June 19 in accordance with the Open Meeting Law.

REPORTS

City Clerk – no report

Council President – The WI DOT will attend the September 23rd Council meeting for a formal presentation on the I43 and CTH Y (Racine Avenue) Interchange Construction Project that is scheduled for 2009. A Public Informational Meeting is scheduled in Council Chambers for September 16, 2008 from 6PM to 9PM. *This information will be placed in the City's newsletter.*

Mayor – no report

City Attorney - no report

COMMUNICATIONS

Mayor Chiovaturo read the Letter from Dr Paul Kreutzer, District Administrator of NB Schools that indicated the district will no longer be using Council Chambers to broadcast their School Board meetings.

BOARD OF PUBLIC WORKS

Jurisdictional Offer of \$326,300 to New Berlin Retail, LLC and the Quit Claim Deed of \$97,100.00 to U. S. Bank

Motion by Alderman Moore to approve the Jurisdictional Offer of \$326,300 to New Berlin Retail, LLC and the Quit Claim Deed of \$97,100.00 to U. S. Bank for the purchase of right-of-way for the Wall Street Extension to City Center. Funds to be paid from Wall Street Accounts 04251100 63010 C2004 & 04251100 63010 C2007. Seconded by Alderman Hopkins and carried with Alderman Seidl, Alderman Harenda and Alderman Ament voting no.

Construction Contract to the lowest responsive, responsible binder, *Capitol Pavers, Inc.*, for the Wall Street Construction

Motion by Alderman Moore to approve the Construction Contract to the lowest responsive, responsible binder, *Capitol Pavers, Inc.*, for the Wall Street Construction Project in an amount of \$597,093.41. Funds to be paid from Wall Street Accounts 04251100 63010 C2004 & 04251100 63010 C2008. Seconded by Alderman Poshepny and carried with Alderman Seidl and Alderman Ament voting no.

MAYORAL APPOINTMENTS

Library Board

Motion by Alderman Wysocki to approve the re-appointment of Dianne C. Gihring with term expiring 6-30-2011. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Wysocki to approve the re-appointment of Marion Onestri with term expiring 6-30-2011. Seconded by Alderman Moore and carried unanimously.

Youth Advisory Board

Motion by Alderman Moore to approve the appointment of Jacquelyn Arbeiter – Representing District 6 with term expiring 5-31-2010. Seconded by Alderman Seidl 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

No action taken.

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.

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CONSENT AGENDA

Motion by Alderman Hopkins to approve all of the following items listed. Seconded by Alderman Ament and carried unanimously.

MINUTES - Common Council minutes from June 10, 2008

UTILITY AND FINANCE

- Water Utility claims in the amount of \$7,411.20, Sewer Utility claims in the amount of \$544,635.64, of that amount \$387,635.23 represents payment to MMSD, and Bi-weekly claims in the amount of \$438,669.76, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender License Renewals for the year 2008-2010 to David Bretz, Michelle Stopczynski, Kenneth Hallberg, Cory Kinnard, Joan Kasian, Laura Fena, Lorrie Schroeder, Ruthi Gossette, Sara Stout, Rory Balistreri, Gregory Kieckbusch and Faye Kupka-Reichert.
- Bartender License for the year 2008-2010 to Andy Hochtritt.
- Bartender License for the year 2008-2010 to Eric Henry.
- Bartender License for the year 2008-2010 to Francis Koenig, Tierney Berigan, Paul Schommer, Jessica Rowell, David Martin, Bradley Hughes, Akbar Ismail, Cyril Warras, Peter Dargiewicz, Lisa McIntyre, Michael Marr, Deanna Green, Dennis Smeiska, Gregory Knott and Tammy Gendrow.
- **Class A Beer**
Original license for Speedway SuperAmerica LLC at 15555 W Beloit Road/Carol A Laird, Agent for 7-1-08 to 6-30-09
- **Reserve Class B Liquor**
Original license for Lees Cleveland Pub & Grill at 14000 W Cleveland Avenue/Matthew W Lee, Agent for 7-1-08 to 6-30-09.
- **Class A Combo (Beer & Liquor)**
Wal-Mart Stores East LP at 15333 W National Avenue/Dennis San Felippo, Agent for 7-1-08 to 6-30-09. ***This item was deferred for further information.***

MISCELLANEOUS

- Set a Public Hearing for July 7, 2008 at 6:00 PM to be held before the Plan Commission for Mr. Domenico Ferrant who has filed a petition to rezone the property located at approximately 16415 W. Beloit Rd. from R-4 to M-1.

- Reconsideration of approval of Resolution No. 08-19 Resolution Establishing Salary Ranges for Civil Service Employees at June 10, 2008 Council meeting/Alderman Wysocki. ***This item was deferred for further information.***

DEFERRED, REFERRED & TABLED ITEMS

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:

LICENSES/PERMITS

Bartenders

Motion by Alderman Ament to approve the Bartender License for the year 2008-2010 to Elyse Beier. Seconded by Alderman Hopkins and carried with Alderman Poshepny and Alderman Moore voting no.

ORDINANCES/RESOLUTIONS

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

Mayor Chiovatero indicated this is the 3rd reading.

Motion by Alderman Hopkins to adopt Ordinance No. 2379. Seconded by Alderman Moore and carried with Alderman Ament voting no.

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

Mayor Chiovatero indicated this is the 3rd reading.

Motion by Alderman Moore to adopt Ordinance No. 2380. Seconded by Alderman Poshepny.

Motion by Wysocki to table Ordinance No. 2380. Seconded by Alderman Seidl and carried unanimously.

Ordinance No. 2384 Ordinance To Amend Section 152-5(G) Licenses And Permits Of The Municipal Code Of The City Of New Berlin Regarding The Permitted Hours Of Solicitation For Direct Sellers

Mayor Chiovatero indicated this is the 1st reading.

The City Attorney indicated there was no new information therefore the Council did not go into Closed Session.

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: WE Energies Claim

RECONVENE TO OPEN SESSION

Discussion and possible action on WE Energies Claim

Motion by Alderman Wysocki to deny the WE Energies Claim per the recommendation of the City Attorney. Seconded by Alderman Hopkins and carried unanimously.

ADJOURN

Motion by Alderman Ament to adjourn at 11:36 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk