

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, July 24, 2007**

**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 7:43 PM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present was: City Clerk Marilyn Gauger, City Attorney Mark Blum and Parks and Recreation & Forestry Director Mark Schroeder.

***This meeting was noticed on Friday, July 20, 2007 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

**REPORTS**

City Clerk - none

Council President - none

Mayor - none

City Attorney – thanked council, staff and the community for expression of support during the difficult time of deaths within his personal and professional families.

**COMMUNICATIONS**

Historic Day Road Closure Request – Common Council, at their meeting on Tuesday, July 10th approved the closure of National Avenue for the September 9<sup>th</sup> Historic Day from 11:00 AM to 4:30 PM. The request should have been from 11:00 AM to 6:00 PM.

**PARK RECREATION & FORESTRY COMMISSION**

Motion by Alderman Moore to approve the Contract for the Lion's Park Tennis Court Reconstruction Project in the amount of \$160,941 with funds coming from CIP Account #04059100-61107. Seconded by Alderman Hopkins and carried unanimously.

**UTILITY COMMITTEE**

Motion by Alderman Harenda to approve the Construction Contract for Sanitary Sewer Rehabilitation Project on Ryerson Rd to Visu-Sewer Clean & Seal of Pewaukee in the amount of \$445,155.00 for a total project cost not to exceed \$578,649.50 with funds coming from Wastewater Account #81001131-52030. Seconded by Alderman Poshepny and carried unanimously.

**MAYORAL APPOINTMENTS**

**Electrical Review Board**

Motion by Alderman Ament to approve the re-appointment of Richard J. Boya with term expiring 8-31-2009. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of Warren C. Haut with term expiring 8-31-2009. Seconded by Alderman Harenda and carried unanimously.

**Fourth of July Commission**

Motion by Alderman Ament to approve the re-appointment of Anida Rose with term expiring 8-1-2008. Seconded by Alderman Hopkins and carried unanimously.

**Library Board**

Motion by Alderman Poshepny to approve the appointment of Rush Wilkens with term expiring 6-30-2010. Seconded by Alderman Moore and carried with Aldermen Augustine, Seidl and Ament voting no.

**Youth Advisory Board**

Motion by Alderman Hopkins to approve the appointment of Jenny Murphy/Representing District 1 with term expiring 5-31-2008. Seconded by Alderman Poshepny and carried unanimously.

Motion by Alderman Harenda to approve the appointment of Chrissy Liu/Representing District 4 with term expiring 5-31-2008. Seconded by Alderman Moore and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Water Resource Management**

**Construction Contract for the U-345 Eisenhower High School Storm Water Retention Facility, to the lowest responsive responsible bidder, *Willkomm Excavating & Grading, Inc.* in the amount of \$484,961.37 with the total project cost of \$539,280.00/TABLED 6-26-07**

This item remained on the table.

++++  
**CONSENT AGENDA**

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

**MINUTES** - Common Council minutes from July 10, 2007

**UTILITY AND FINANCE**

**CLAIMS**

- Water Utility claims in the amount of \$66,059.50, Sewer Utility claims in the amount of \$43,598.26, and Bi-weekly claims in the amount of \$550,958.07, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for the year 2007-2009 to Kevin Boger, John Lee, Cody Schaefer, Timothy Shinnars and Ashley Woyak, Jeff Eversman, Craig Grzendzielewski, Michael Findlay, Lori Ingelli, Jamie Kaprelian, Anthony Krey, Nicole Lee, Bradley Luterbach, Umer Mehar, Richard Meyer, Emily O'Leary, Gary Plassmeyer, Victoria Schoepke, Shannon Spatzek, Angela Warnken, Amber Wezyk, Stephanie Yang, Jonathan Gridley, Edmund Cutting, Michael Laudizio and Karen Hubbard

**Change of Agent**

- Pick N Save/formerly Jewel Osco at 13995 W. National Avenue to Betty E Kleinmeyer, Agent

**MISCELLANEOUS**

- City Clerk request to Cancel the Tuesday, August 14, 2007 COW and Common Council meetings.
- Set a Public Hearing for August 13, 2007 at 6:03 p.m. to be held before the Plan Commission for Mr. and Mrs. Johnson who have filed a petition to rezone the property located at approximately 18665 W. Coffee Rd. from A-2, C-1 and C-2 to A-2, R-1/R-2 , C-1 and C-2 and to Field Delineate the C-2 Zoning District.
- Set a Public Hearing for August 13, 2007 at 6:04 p.m. to be held before the Plan Commission for Mr. Wade Balson and Mr. Steve Stewart have filed a petition to rezone the properties located at approximately 15055 W. National Avenue and 14967 W. National Avenue from B-2 to B-2/PUD to bring this land under the City Center PUD Ordinance.
- Set a Public Hearing for August 13, 2007 at 6:05 p.m. to be held before the Plan Commission for Dave and Lori Schinker on behalf of the New Berlin Eisenhower Football Boosters have filed a petition to rezone the property located at approximately 4333 S. Sunny Slope Road from I-1, C-1 and C-2 to I-1, C-1 and C-2 and to Field Delineate the C-2 Zoning District.

**DEFERRED, REFERRED & TABLED ITEMS**

- Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/TABLED 11-14-06  
*This item remained on the table.*

++++

---

**ITEM/S REMOVED FROM CONSENT AGENDA**

No items removed.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2352 Ordinance To Amend Section 59-7 Records Of The Municipal Code Of The City Of New Berlin Concerning The Destruction Of Tape And Video Recordings Of Governmental Meetings**

Mayor Chiovatere indicated this is the 2<sup>nd</sup> reading.

**Ordinance No. 2353 Ordinance To Amend Section 124-12 I. (4) Fire Prevention Of The Municipal Code Of The City Of New Berlin Relative To Fireworks Users Permit**

Mayor Chiovatere indicated this is the 2<sup>nd</sup> reading.

**Ordinance No. 2354 Ordinance To Amend Section 124-12 N. (7) Fire Prevention Of The Municipal Code Of The City Of New Berlin Regarding The Forfeitures For Violations Of The Open Burning Ordinance**

Mayor Chiovatere indicated this is the 2<sup>nd</sup> reading.

**Ordinance No. 2355 Ordinance To Amend Various Sections of Chapter 152 Licenses And Permits Of The Municipal Code Of The City Of New Berlin Relative To The Issuance Of Licenses And Permits**

Mayor Chiovatere indicated this is the 2<sup>nd</sup> reading.

**Ordinance No. 2356 Ordinance To Amend Section 152-8 Licenses And Permits Of The Municipal Code Of The City Of New Berlin Concerning Shooting Galleries And Archery Ranges**

Mayor Chiovatere indicated this is the 2<sup>nd</sup> reading.

**Resolution No. 07-16 Resolution Reallocating Approved Funds From Contingency Account Back To Police Department Maintenance Contract Account.**

Motion by Alderman Hopkins to approve Resolution No. 07-16. 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) (e) and (g) of the Wisconsin State Statutes.

- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; more specifically:
- Potential land acquisition via donation for proposed fire station.
  - Right of Entry & Temporary Use License for Promersberger property
  - Land acquisition for the stormwater easement at Eisenhower High School.
- (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:
- Todd Economy Claim
  - Claim against Adair Plumbing and NB School District
  - Janacek Investments Claim
  - Deborah Wied Claim

Motion by Alderman Seidl to go into Closed Session at 7:56 PM. Seconded by Alderman Augustine and carried per roll call vote.

**RECONVENE TO OPEN SESSION**

Motion by Alderman Poshepny to reconvene in Open Session at 9:47 PM. Seconded by Alderman Moore and carried unanimously.

---

**DISCUSSION AND POSSIBLE ACTION:**

**Potential Land Acquisition Via Donation For Proposed Fire Station**

No action taken.

**Right of Entry & Temporary Use License for Promersberger property**

Motion by Alderman Harenda to approve the Right of Entry & Temporary Use License for the Promersberger Property. Seconded by Alderman Poshepny and carried unanimously.

**Land Acquisition For The Stormwater Easement At Eisenhower High School**

No action taken.

**Todd Economy Claim**

No action taken.

**Claim against Adair Plumbing and NB School District**

No action taken.

**Janacek Investments Claim**

No action taken.

**Deborah Wied Claim**

No action taken.

**ADJOURN**

Motion by Alderman Augustine to adjourn at 9:50 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk