

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, September 11, 2007**

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 8:41 PM after Committee of the Whole and Privilege of the Floor.

Those present recited the Pledge of Allegiance and a moment of silence for those persons affected by the 911 attacks.

Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present was: City Clerk Marilyn Gauger, City Attorney Mark Blum, Director of Parks, Recreation and Forestry Mark Schroeder, City Engineer JP Walker and Stormwater Engineer Eric Nitschke.

This meeting was noticed on Thursday, September 6, 2007 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none

Council President – 2008 Budget sessions are scheduled for September 24th from 8AM to 6PM and if needed and additional meeting is tentatively scheduled for October 1st.

Mayor - none

City Attorney - none

COMMUNICATIONS

Dave Piper Claim

Referred to City Attorney

Edwin & Lori Ganus Claim

Referred to City Attorney

PARK, RECREATION AND FORESTRY COMMISSION

Motion by Alderman Moore to award the Contract to Ray Stadler Construction Inc. in the amount of \$454,213 for the Park Restroom Projects at Lion's Valley View, Calhoun, and Buena Parks. Monies to come from CIP Account #04059100-61109 and revenues generated from the Hickory Grove cell tower, Account #2111-0000-59070-64. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

Motion by Alderman Harenda to not to accept/reject the bids for the construction contract for radium removal at Wells 3, 5 and 7. The City will restart the bidding process to stay in compliance with the DNR's request for radium removal in the wells. Seconded by Alderman Ament and carried unanimously.

WATER RESOURCE MANAGEMENT COMMITTEE

Motion by Alderman Harenda to Award Contract for Citywide SLAMM (Source Loading and Management Model) Analysis per permit requirements and current WDNR guidelines to Bonestroo in the amount of \$26,960.00 with funding from WRM Utility Drainage Account No. 70710710 59060. Seconded by Alderman Moore and carried unanimously.

MAYORAL VETO

Two (2) lane design of Calhoun Road

Mayor Chiovaturo read his veto:

"It is unfortunate that I have to use my Mayor Executive Veto authority (Statue 62.09 (8)) to override Council action for a two lane design of Calhoun Road that was passed by the Common Council on August 28, 2007.

The position and responsibility of the Mayor requires that I have the capacity to evaluate public policy and respond with leadership. Since the Council's 3-4 decision to not approve the BPW recommendation of Alternative 3A for Calhoun Road and the 4-3 motion to direct BPW to design and approve Alternative 1A-a two lane road alternative, I have spent many hours considering all issues regarding this project.

New Berlin became a city in 1959, and our forefathers had the insight to develop the New Berlin Industrial Park in the 60's to help create a tax base cushion to our homeowners to maintain an affordable rate. This Industrial Park now is valued at over \$432,000,000 and represents over 10% of our base to our citizens. Calhoun road is a regional road that supports our City as well as our Industrial Park. This park also provides jobs, business and community support outside our park, and tax dollars in providing the high quality of services in New Berlin. In 2005, the CDA and Council spent hours of study and funds to approve a Revitalization Plan that talks of infrastructure, stormwater needs and upgrades to support this valuable asset. As elected officials, we need to recognize Calhoun Road as a vital link in our city. With these facts, I can only support a design that will support our Industrial park and our residents who travel this valuable road daily.

There are three significant points that the current design request ignores:

- Safety - (Pedestrian and Residential/Commercial motorist)
- Stormwater - Historical and current concerns.
- Long term solution to Calhoun Road traffic capacity beyond 5 years.

As the Mayor, I see it as a poor use of taxpayer's money to spend it on design and construction of a road that does not meet the minimum requirements. With this current request for two lanes, the road could only last 5-7 years and creating a need at a later date to be reconstructed. It would be a road that we will still be paying for when it is obsolete. Roads are an asset to New Berlin and our residents/citizens. This road needs to be designed and built to a 20-25 year design standard to support in reality 30-35 years of service.

We all agree something has to be done to Calhoun Road. Construction is always tough to deal with, and more so to businesses that reside in these zones during that time. A two lane road could require up to three separate projects over a 7-10 year period. These projects include 1) initial rehabilitation 2) in 5-7 years additional lane and storm water improvements that will be necessary and 3) the County's Cleveland Avenue intersection work. This will probably put businesses who depend on Calhoun out of service and significantly interrupt retail and commercial services with in this period. It may also hinder growth of businesses within the Industrial Park and their supporting services. Currently, local motorists who do not have to drive this road, avoid Calhoun Road and this affect has been felt by businesses along this route.

I remain sensitive to the homes and businesses that are directly affected by this project on Calhoun Road. For this reason, the City will work with those affected when an adequate design nears completion. These concerns will be discussed and where possible, changes can be made to try and accommodate within reason those concerns. It is a waste of taxpayer's money to spend on a design that doesn't meet, in the long term, minimum engineering standards for safety, storm water management and traffic capacities. Multiple mobilizations will be required for each construction project thereby increasing overall costs.

As Mayor I am responsible to provide our citizens with safe and well designed roads and programs. I am also responsible to use our funds and tax money to the best value over the long term. It is for that reason I submit my Veto on this 31st day of August, 2007."

Motion by Alderman Ament to override the Mayor's veto. Seconded by Alderman Seidl. Motion failed with Aldermen Ament, Harenda, Seidl and Augustine voting yes and Aldermen Hopkins, Poshepny and Moore voting no. *State Statutes require a 2/3 vote to override a Mayor's veto, which is 5 members of Council.*

MAYORAL APPOINTMENTS - none

DEFERRALS, REFERRAL & TABLED ITEMS

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CONSENT AGENDA

Motion by Alderman Harenda to approve the following items on the Consent Agenda. Seconded by Alderman Augustine and carried unanimously.

MINUTES - Common Council minutes from August 28, 2007

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$29,711.39, Sewer Utility claims in the amount of \$497.70, and Bi-weekly claims in the amount of \$386,006.49, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2007-2009 Matthew Meidenbauer
- Bartender Licenses for the year 2007-2009 Mary Boehnen, Mallory Piontek, Daniel Roche, Jeffrey Van Calligan

Change of Agent

- Pick N Save/formerly Jewel Osco at 13995 W. National Avenue to Angelia L Wiroll, Agent
- Pick N Save at 15445 W National Avenue to Gordon W Graf, Agent

MISCELLANEOUS

- IT Department to utilize Cascade Asset Management LLC for the elimination of end-of-life technology equipment.
- Raze Order for remnant structure at 13555 W Radisson Drive pursuant to Wisconsin Statute Section 66.0413.
- Public Hearing for October 1, 2007 at 6:00 PM to be held before the Plan Commission for Thomas Stoll & Bradley Smith who have filed a petition to rezone the property located at approximately 18300 W. Cleveland Avenue from R-1/R-2, P-1, C-1 and C-2 to R-1/R-2, C-1 and C-2 to field delineate the wetlands on the property.
- Public Hearing for October 1, 2007 at 6:01 PM to be held before the Plan Commission for Dean Frederick of the Thompson Corporation on behalf of Stonegate Apartments has filed a petition to rezone the properties located at approximately 13175, 13205, 13235, and 13265 W. National Avenue from Rm-1 and C-2 to Rm-1 and C-2 to field delineate the wetlands on the property.
- Delay Of WDNR Approval Of MMSD 2020 Facilities Plan

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.

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ITEM/S REMOVED FROM CONSENT AGENDA

Bartenders

Motion by Alderman Ament to approve the Bartender License for the year 2007-2009 Matthew Meidenbauer. Seconded by Alderman Seidl and carried with Alderman Poshepny and Alderman Moore voting no.

ORDINANCES/RESOLUTIONS - none

ADJOURN

Motion by Alderman Poshepny to adjourn at 8:58 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk