

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, April 25, 2006**

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 10:15 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on Friday, April 21, 2006 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 City Clerk Marilyn Gauger, Director of Community Development Greg Kessler and City Engineer JP Walker.

REPORTS

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

COMMUNICATIONS

Susan Garfinkel Claim
Referred to City Attorney

SAFETY COMMISSION

Placement of a temporary block or gate at Cottonwood Drive and Wilbur Drive

Motion by Alderman Hegeman to temporarily close the road while being considered by Board of Public Works and Plan Commission. Seconded by Alderman Augustine.

Motion by Alderman Gallagher to defer. Seconded by Alderman Moore and failed with Aldermen Gallagher and Moore voting yes.

Motion by Alderman Hegeman to amend the motion to have Streets Department put signs up that say "Road will be Temporarily Barricaded Effective May 9th". Seconded by Alderman Augustine and carried with Alderman Moore voting no.

Upon voting the original motion carried as amended with Alderman Moore voting no.

MAYORAL APPOINTMENTS

Park and Recreation Commission

Motion by Alderman Ament to approve the re-appointment of Nancy A Duff with term expiring 4-30-2009. Seconded by Alderman Hopkins and carried unanimously.

Police and Fire Commission

Motion by Alderman Hegeman to approve the appointment of Ronald G Pezze, Jr with term expiring 4-30-2011 - replaces John Pedersen whose term expires April 30th. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

Special Assessment Review Committee

Motion by Alderman Hopkins to approve the re-appointment of Larry W Myers with term expiring 4-1-2009. Seconded by Alderman Gallagher and carried unanimously.

Weed Commissioner

Motion by Alderman Ament to approve the re-appointment of Duane Hause with term expiring 4-30-2007. Seconded by Alderman Harenda and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

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

No action taken. See below.

At this time Mayor Chiovarero deviated from the agenda to consider the following:

Borrowing of funds to finance design and construction need to meet the Radium Consent Order set by the DNR/DEFERRED 4-11-06

Motion by Alderman Harenda to table. Seconded by Alderman Hegeman and carried unanimously.

Development Agreement for Westridge Development East/DEFERRED 4-11-06

Motion by Alderman Augustine to approve the Development Agreement for Westridge Development East subject to final review by City Attorney. Seconded by Alderman Hegeman and carried unanimously.

Resolution No. 06-11 Establishing Policies For The Use of City Hall Facilities And For The Use of The City Government Access Cable Channel /DEFERRED 3-28-06/TABLED 4-11-06

Motion by Alderman Harenda to take off the table. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Gallagher to refer back to the Communications Committee. Seconded by Alderman Harenda and carried unanimously.

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CONSENT AGENDA Motion by Alderman Ament to approve the following items on the Consent Agenda. Seconded by Alderman Gallagher and carried unanimously.

MINUTES - Common Council minutes from April 11, 2006.

UTILITY AND FINANCE

Approval of Water Utility claims in the amount of \$69,425.65, Sewer Utility claims in the amount of \$16,977.26 and Bi-weekly claims in the amount of \$463,201.54, all of which represents payment to vendors.

LICENSES/PERMITS

Bartender Licenses

Approval of Bartender License for the year 2005-2007 to Michelle E. Balles, Penny Lee Diesch, Gale Arthur Menningen, Joseph J Ruder and Meredith Katelyn Thompson.

Amendment to "Class B" Retailers License/Extension of Premise and Loud Speaker Permit

Deferred to next meeting the request for approval by Jennifer Jones, co-owner of Calhoun Station at 1849 S Calhoun Road and Kevin Larsen, owner of Senor Lunas at 1901 S Calhoun Road for Saturday, September 2, 2006 from 12 Noon to 11 PM and Sunday, September 3, 2006 from 12 Noon to 11 PM for an outdoor music festival with food, beer and liquor and carnival type concessions on the property. Owners must provide trained staff to direct people in and out of the parking lot, the staff must be trained and wear a fluorescent safety vest (flashlight at night), and have handheld stop signs and they must be alcohol free. Also owners must provide professional security people (at least two) on premise during event. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment.

Amendment to "Class B" Retailers License/Extension of Premise

Approval for Susan Hayes, owner of The 19th Hole Country Club for Wednesdays from May 24, 2006 to August 31, 2006 a roped off area approximately 15 feet X 15 feet in parking lot of Club from 6:30 PM to 9:30 PM.

MISCELLANEOUS

Discussion on Greenfield Avenue reconstruction project/None

Approval of Resolution No. 06-13 Amending the 2006 Approved Operating Budget Relating to Transfer Funds from the Contingency Account to the Street Department Traffic Control Signal Account.

Approval of Initial Resolution No. 06-16 Authorizing \$1,855,000 General Obligation Bonds for Fire Station Project.

Approval of Resolution No. 06-17 Directing Publication of Notice to Electors.
Approval of Resolution No. 06-18 Providing for the Sale of \$1,855,000 General Obligation Fire Station Bonds.
Approval of Resolution No. 06-19 Providing for the Sale of \$4,425,000 General Obligation Promissory Notes
Discussion and direction on installing public infrastructure (roadway and pond) on the Decade property prior to the expiration of the WDNR and US Corps of Engineers permits/No action taken.
Set Public Hearing Date of May 23rd at 7PM for Moorland Road Water and Sewer Special Assessment Project Amended Final Resolution.

DEFERRED/TABLED ITEMS

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ITEM/S REMOVED FROM CONSENT AGENDA

Resolution No. 06-14 Amending the 2006 Approved Operating Budget To Transfer Funds from the Contingency Account to the Finance Department Professional Fees

Motion by Alderman Moore to approve Resolution No. 06-14. Seconded by Alderman Ament and failed with Alderman Moore voting yes.

Election of Council President pursuant to Council Rule 15.

Motion by Alderman Hegeman to approve Alderman Harenda as Council President. Seconded by Alderman Augustine and carried with Alderman Gallagher voting no.

Election of Council representative to Plan Commission pursuant to State Statute 62.23 (1) (b).

Motion by Alderman Moore to approve Alderman Ament as the Council representative to Plan Commission. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2307 Amending Section 11-5 of the City of New Berlin Municipal Code Adding the Position of Building Maintenance Supervisor to the List of Civil Service Positions (3rd reading)

Motion by Alderman Hopkins to adopt Ordinance No. 2307. Seconded by Alderman Moore and carried unanimously.

Ordinance No. 2309 Amending Section 1-18 (2) (A) General Penalty; Citations of the City of New Berlin Municipal Code. (1st reading)

Motion by Alderman Ament to waive the 2nd and 3rd readings. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

Motion by Alderman Ament to adopt Ordinance No. 2309. Seconded by Alderman Hegeman and carried with Alderman Moore voting no.

Ordinance No. 2310 Amending Section 100-2 (C) Drugs and Drug Paraphernalia of the City of New Berlin Municipal Code. (1st reading)

Motion by Alderman Ament to waive the 2nd and 3rd readings. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

Motion by Alderman Ament to adopt Ordinance No. 2310. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

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) (g) of the Wisconsin State Statutes, 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.

Motion by Alderman Hegeman to go to Closed Session at 11:45 PM. Seconded by Alderman Augustine and carried unanimously per roll call vote.

Motion by Alderman Augustine to reconvene to Open Session at 12:04 AM. Seconded by Alderman Hopkins and carried unanimously.

OPEN SESSION

DEFERRALS, REFERRAL & TABLED ITEMS

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

No action taken.

ADJOURN

Motion by Alderman Augustine to adjourn at 12:05 AM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk