

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, September 8, 2009**

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

ROLL CALL: Mayor Jack F Chiovatero called the meeting to order at 7:02 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda and Moore. Excused: Aldermen Poshepny and Ament. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, Inspector Scott Schulpius and Associate Planner Jessica Titel.

This meeting was noticed on September 3, 2009 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Wysocki to approve the August 25, 2009 Committee of the Whole minutes as printed. Seconded by Alderman Seidl and carried unanimously.

The following items will be considered for approval or denial by the Aldermen with a recommendation to Common Council on the Consent Agenda.

UTILITY AND FINANCE

Claims

For: September 9, 2009

Motion by Alderman Moore to approve Water Utility claims in the amount of \$49,492.85, Sewer Utility claims in the amount of \$2,069.72, and Bi-weekly claims in the amount of \$608,271.48, all of which represents payment to vendors. Seconded by Alderman Hopkins and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Seidl to approve Bartender Licenses for the year 2009/2011 to Andrew Liberski, April Keller, Nora Gustafson, Annmarie Muehlbauer, Andrea Olson, John Rath and Robert Totero. Seconded by Alderman Hopkins and carried unanimously.

MISCELLANEOUS

Resolution No. 09-22 Notice of Exemption from Waukesha County Library Levy 2009 Tax for 2010 Purposes.

Motion by Alderman Seidl to approve Resolution No. 09-22. Seconded by Alderman Moore and carried unanimously.

Direct City Clerk to advertise for Aldermanic District #5 vacancy in selected newspapers.

Alderman Poshepny sent a letter of resignation on August 26th. Council Rule #34 directs the process to fill said vacancy. Mayor Chiovatero read a letter from Alderman Poshepny indicating he is rescinding his letter of resignation. He indicated he has some further rehab work and then is returning to his apartment and looking forward to continuing as Alderman and thanked all for their support. Mayor Chiovatero saw him today and he wants to continue his position.

Alderman Wysocki felt Alderman Poshepny representation is needed especially with the difficult budget that is forthcoming and his last meeting was May 12th.

Motion by Alderman Wysocki to defer to the next meeting with Alderman Poshepny being here to discuss.

Alderman Moore called for Point of Order that the motion to defer is not appropriate because there is nothing before us and we should honor his (Alderman Poshepny) request.

Alderman Wysocki asked City Attorney Mark Blum whether a motion to defer is appropriate.

City Attorney Blum indicated the law is, when there is a death or there is a resignation that a vacancy occurs at that point. So when he sent in his letter of resignation a vacancy occurred at that point. Attorney Blum further indicated he has not seen a situation like this where someone after submitting a letter of resignation has then rescinded therefore he will research before giving a final opinion. Attorney Blum felt it would be appropriate to defer it at this point, to give him an opportunity to see if there is some case law to give direction about the ability to rescind.

Motion to defer was then seconded by Alderman Seidl and carried with Alderman Moore voting no.

Common Council to approve necessary funding and survey work along with County Permit for the Sittel Cemetery (Elaine Kraut property)

Motion by Alderman Seidl to approve the necessary funding and survey work along with the County Permit for the Sittel Cemetery (Elaine Kraut property). Seconded by Alderman Harenda and carried unanimously.

Common Council to direct the Park and Recreational Department to eradicate the vegetation at the Sittel Cemetery site

Motion by Alderman Seidl to direct the Parks, Recreation and Forestry Department to eradicate the vegetation at the Sittel Cemetery site. Seconded by Alderman Hopkins and carried unanimously.

Common Council to amend City of New Berlin City Code - Chapter 220-4 RECYCLING to include both single stream (as well as) co-mingled recyclable pick up in the city of New Berlin and direct the City Attorney to prepare an ordinance reflecting this change

Motion by Alderman Seidl to direct the City Attorney to prepare an ordinance to amend Chapter 220-4 reflecting the change in the "recycling" section of the City Code. Seconded by Alderman Hopkins.

Motion to defer by Alderman Seidl. Seconded by Alderman Harenda and carried unanimously.

Set a Public Hearing for October 7, 2009 at 6PM before Plan Commission for adoption of the City of New Berlin's 2020 (listed as 2010) Comprehensive Plan

Motion by Alderman Hopkins to set a Public Hearing as indicated above for the 2020 Comprehensive Plan. Seconded by Alderman Moore and carried unanimously.

Set a Public Hearing for October 5, 2009 at 6PM before Plan Commission for an amendment to the current sewer service area boundary to include property located at approximately 18695 W. Cleveland Avenue

Motion by Alderman Hopkins to set a Public Hearing as indicated above for an amendment to the current Sewer Service Area Boundary to include property located at approximately 18695 W Cleveland Avenue (New Berlin West High School). Seconded by Alderman Wysocki and carried unanimously.

Authorize the Department of Community Development to accept Federal Stimulus Grant Funds in the amount of \$166,400.00 from the U.S. Department of Energy EECBG

Motion by Alderman Moore to authorize the DCD to accept Federal Stimulus Grant Funds in the amount of \$166,400.00. Seconded by Alderman Hopkins and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Changing of the regular BPW monthly meeting time, from 8:00AM to 6:00PM, to the BPW for their discussion and recommendation back to the Common Council/REFERRED TO BPW ON 7-28-09

No action taken.

Motion by Alderman Seidl to adjourn at 8:00 PM. Seconded by Alderman Wysocki and carried unanimously.

ADJOURN

Respectfully submitted:
Christine Stefanich
Deputy City Clerk