

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, November 10, 2009**

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 8:00 PM after 2010 Budget Public Hearing, Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Moore and Ament. District #5 seat is vacant. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Finance Director Mike Holzinger, Maintenance Supervisor Ernie Giesegeh, Inspector/Emergency Management Director Scott Schulpus, Parks Recreation & Forestry Director Mark Schroeder, Human Resource Director Tami Potkay, City Assessor Paul Koller, Planning Services Manager Nikki Jones, Community Development Director Greg Kessler, Police Chief Joe Rieder, Administrative Supervisor Kaye Giesegeh, Deputy Library Director Melissa Schneider, IT Director Nick Roethel, Facilities Management Director Bob Schulpus, Streets Manager Don Ullman, Administrative Supervisor Sue Hanley, Administrative Assistant Deb Delikat and Fire Chief Ed Dobernig.

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

This meeting was noticed on Thursday, November 12, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none

Council President – indicated the cancellation of the Council meeting of November 24th and moving it to November 17th or November 19th. **(The meeting was scheduled for Thursday, November 19th).**

Mayor - none

City Attorney - none

UTILITY COMMITTEE

Linnie Lac sanitary sewer district between the City of Muskego and the City of New Berlin

Motion by Alderman Harenda to Amend the Linnie Lac sanitary sewer district between the City of Muskego and the City of New Berlin with the condition that is reviewed and approved by the City of Muskego. Seconded by Alderman Ament and carried unanimously.

Acquisition of the Westward Manor lift station site from Geipel Certified Sod

Motion by Alderman Harenda to approve the Acquisition of the Westward Manor lift station site from Geipel Certified Sod and to authorize staff to execute the off price report on behalf of the City in the amount of \$500. Seconded by Alderman Seidl and carried unanimously.

MAYORAL APPOINTMENTS

Parks Recreation & Forestry Commission

Motion by Alderman Hopkins to approve the appointment of Robert Rafel/replacement with term expiring 4-30-2010. Seconded by Alderman Harenda and carried unanimously.

2010 PROPOSED OPERATING BUDGET

Discussion and possible action on the proposed 2010 City of New Berlin Operating Budget

Mayor Chiovaturo indicated on November 17th he will have everything together regarding reductions.

The next Council meeting will be Thursday, November 19th at 7PM therefore the special Board of Public Works meeting scheduled for November 19th will be cancelled and also the regular Council meeting scheduled for November 24th will be cancelled.

Alderman Wysocki indicated the main focus of the public hearing was the Police Department. He indicated he is very disappointed with the leadership of the union because there would be no layoffs if they would help us with a salary freeze. This budget is a 3.6% increase.

Alderman Moore indicated back at the time when the contracts were approved we knew the economy was a problem. There were reasons those contracts were approved.

Alderman Seidl indicated 2 contracts were negotiated when we were unaware of the shortfall for the 2009 budget.

Mayor Chiovatero indicated he appreciates the members of the Police Department input but they are not being targeted (for layoffs), it would be several departments in the city.

DEFERRED, REFERRED & TABLED ITEMS

Ordinance No. 2417 that approves the amendments to Section 275-41.A (2) (Keeping and Raising of Animals) and 275-70 (Definitions) of the City's Zoning Code and accept the Plan Commission report. TABLED 9-8-09/REFERRED TO AD HOC COMMITTEE 9-22-09

No action taken.

SAFETY COMMISSION - Purchase and install four (4) temporary speed tables on Lincoln Avenue between Moorland Road and Parkside Drive/REFERRED TO BOARD OF PUBLIC WORKS 10-13-09/REFERRED BACK TO SAFETY COMMISSION 10-27-09

No action taken.

Direct City Clerk to advertise for Aldermanic District #5 vacancy in selected newspapers/DEFERRED 9-8-09/this item was omitted from consent agenda at 9-22-09 meeting/Removed from Consent Agenda and TABLED 10-13-09 at Council

Motion by Alderman Harenda to remove from the table. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Moore to reject and not advertise this vacancy. Died lack of second.

Motion by Alderman Harenda to direct the City Clerk to advertise for Aldermanic District #5 vacancy in the city's official newspaper, city's website and city's cable channel. Seconded by Alderman Wysocki and carried with Hopkins and Moore voting no.

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CONSENT AGENDA

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

MINUTES – October 27, 2009 Common Council

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$6,266.81, Sewer Utility claims in the amount of \$5,637.10 and Bi-weekly claims in the amount of \$282,645.35, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2009-2011 to Ashley Kaye, Michele Palmer, Michael Rosado, Nicholaos Sifnaios, Erik Kowalski, Karen Barton and George Passias.

MISCELLANEOUS

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- 2009-2010 Weights & Measures Assessment Fee Schedule.
 - Resolution No. 09-32 Consideration of Amendments to \$4,750,000 City of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 1998 (Southwest Metal Finishing, Inc. and S&F Limited Liability Company of Wisconsin Project) Issued on May 27, 1998
 - Set a Public Hearing before Plan Commission on Monday, December 7, 2009 at 6:00 PM for Tim Lynch who filed a petition to rezone the property located at approximately 18845 W Norwood Drive from R1/R2 and C2 to R3 and C2

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.
- 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/DEFERRED 9-8-09/TABLED 9-22-09/no action taken.

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ITEM/S REMOVED FROM CONSENT AGENDA

None.

ORDINANCES/RESOLUTIONS

Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (2nd reading)

Mayor Chiovatere indicated this is the 2nd reading.

Ordinance No. 2419 Ordinance To Amend Section 80-3 Concerning The Time Limits For Expending Impact Fees (2nd reading) 1st reading under Finance on 10-27-09

Mayor Chiovatere indicated this is the 2nd reading.

Ordinance No. 2420 Ordinance To Create Section 235-34 (C) (3) (B) (5) Concerning The Use Of Public Site, Open Space and Trail Fees (2nd reading) 1st reading under Finance on 10-27-09

Mayor Chiovatere indicated this is the 2nd reading.

Ordinance No. 2421 Ordinance To Amend Section 188-1(D) Peace And Good Order Of The Municipal Code Of The City Of New Berlin Regarding Disorderly Conduct (1st reading)

Mayor Chiovatere indicated this is the 1st reading.

Mayor Chiovatere indicated there is no need for 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:

- State of Wisconsin Radium Consent Order Claim

RECONVENE TO OPEN SESSION

State of Wisconsin Radium Consent Order Claim

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:35 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC
City of New Berlin